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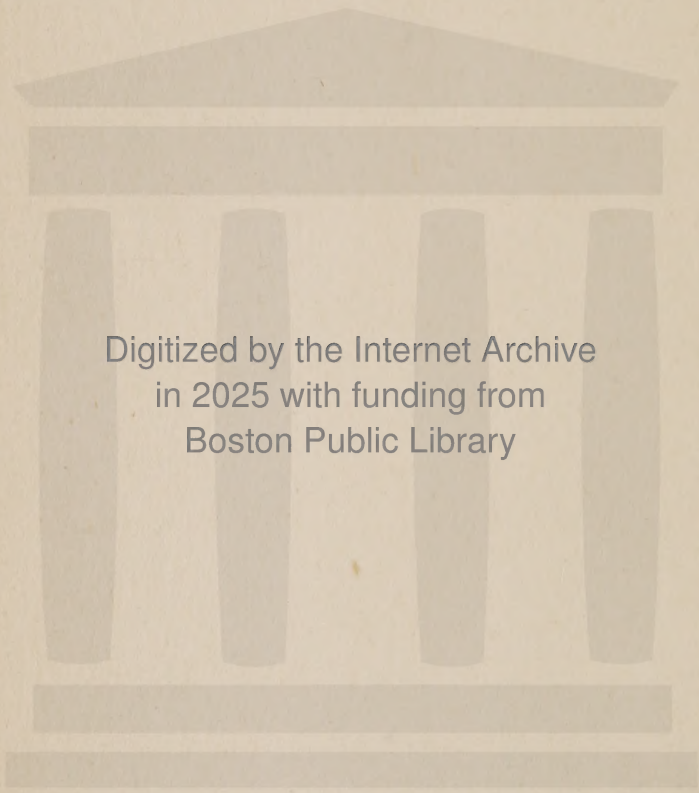
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The Right Hon Lord Pauncefote

G.C.M.G. K.C.B. L.L.D.

From the original painting by Benjamin Constant. 1894.

THE LIFE
of
LORD PAUNCEFOTE

First Ambassador to the United States

BY

R. B. MOWAT

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OXFORD

BOSTON · AND · NEW YORK
HOUGHTON MIFFLIN COMPANY
1929

First published 1929.

PRINTED IN GREAT BRITAIN BY ROBERT MACLEHOSE AND CO. LTD.
THE UNIVERSITY PRESS, GLASGOW.

PREFACE

It has frequently been said that the British people and the Americans are foreigners to each other. The real test, however, is to live in either country. Englishmen who spend any length of time in the United States, and American citizens who pay long visits to Great Britain, very soon feel themselves to be at home. The ways of life cannot be so different on either side of the Atlantic when each people so easily absorbs the culture of the other.

Lord Pauncefote was pre-eminently one who felt himself at home in the United States. Yet nobody could have been more English than he. He was a citizen of the world, and at the same time a thorough Englishman. He liked America and thoroughly enjoyed life at Washington. Nevertheless the appeal of English country, and of London was always strong with him; and for many years he seemed to typify the very spirit of the Foreign Office. Again, at conferences in Paris or the Hague he was essentially the European diplomatist, and moved with ease and unaffected enjoyment in that somewhat formal and recondite world of Continental high officials and masters of the diplomatic profession.

Peace has now become a public question. The easy years before 1914, when people just assumed that peace would continue, are far behind. War is a reality to the mind of everybody, and peace an object constantly and strenuously to be pursued. The public is only beginning to realize the constant,

anxious, daily labour of the diplomatists and statesmen, by which the peace of nations is maintained. The biography of Lord Pauncefote should show this work in its daily, almost hourly routine, as well as in its high points, in its treaties, arbitrations and international adjustments.

In writing this book I owe a debt, which I cannot estimate, to the Honourable Sibyl Pauncefote, not merely for materials and information furnished, but for advice, suggestions and labour given without stint. To Lady Bromley I also owe much for information and criticism. The literary executors of Theodore Roosevelt and John Hay kindly gave permission to use two unprinted letters of these statesmen. Sir Arthur Peel afforded valuable information out of his long experience in the diplomatic service. Mr. Greenslet of the house of Houghton Mifflin is the initiator of the whole work, and without his fertile ideas nothing could have been done. Yet when all seems to have been said there is one institution to which I would allude on this, as on other occasions, with the deepest gratitude and respect. The Foreign Office has never failed to extend the greatest kindness to me in the diplomatic studies on which I have been engaged. I owe a particular debt to the generous facilities extended towards scholarship by His Majesty's Secretary of State for Foreign Affairs, Sir Austen Chamberlain, K.G., and for the liberal opportunities which he felt able to allow me for carrying on this work ; to Stephen Gaselee, Esq., C.B.E., Librarian and Keeper of the Papers, whose courtesy and helpfulness are unfailing and unforget-

able; and to others, too many to name, of that great body of public servants who combine with the discharge of their duties upon which our peace depends so much friendliness, humanity and interest in the history of their profession.

R. B. MOWAT.

CORPUS CHRISTI COLLEGE,
OXFORD, *June* 1928.

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INTRODUCTION

BY THE HONOURABLE SIBYL PAUNCEFOTE

It is always the unexpected that happens, and had any prophet of thirty years ago foretold that a few introductory pages to a *Life of Lord Pauncefote* would some day be written by one of his daughters, not a single member of the family could have believed it.

For my father was so often approached by publishers, writers and others on the subject of a biography or autobiography. To all and sundry, he gave a courteous but unqualified "no," as his reply; and when begged by friends to reconsider this decision, he invariably answered them in the following sense: "I have worked too hard all my life to be a sufficiently interesting subject for any biographer, although I have been closely connected with very important men and events. But of these I must write myself and look forward to doing so in my leisure after I retire. But my *biography* will never be written."

Work was his greatest interest first, last and always. The nature of his occupation was varied, never wholly dull, or purely "routine." Whether in China, London or Washington, and during the brief months of the Suez Canal Conference and the first Hague Peace Conference, he was in constant communication with men who were making "the wheels go round," always absorbed in big and important questions generally of world-wide ramifications, so that his labours, strenuous though they were,

included the most varied political, intellectual, and social sides of life in close association.

In fact for many years his hours or weeks spent outside his work were less live interest to himself—and consequently to others—being passed in absolute necessary rest and relaxation. But so fixed a habit did work become with him, that when on leave for any length of time he disliked being far from a railway station, saying that when away from his own house he wished to be near his friend, the train, which could take him back to civilization, *i.e. work*, at instant notice.

His life may be roughly divided into four parts: from childhood to the death of his father; from then until his return from China where his work had already placed him firmly on the ladder of success; his years in London at the Colonial and Foreign Offices, and lastly the thirteen years in Washington, which became the crowning point of his career. He always looked back with great pleasure upon his residence in China. His appointment there as Chief Justice and Attorney-General was stimulating; and the social life of Hong Kong, under the princely régime of the great China merchants of that day, both British and American, was extremely hospitable and agreeable. My father, however, seldom indulged in reminiscences—he always lived in the present tense—except when old friends re-appeared; for example a winter which Mr. Augustin Heard, a contemporary of the China days, spent in Washington, provided ample opportunity for having a good talk over old times.

His early, but lasting impressions of the blue skies of France, his years under the burning sun of the Far

East, and the additional period in the warm climate of the Leeward Islands, made his return to the chill grey atmosphere of London a real hardship. Sunshine had become a necessity to him, and if his work had not been as compelling as it was continuous and exacting, it is impossible that he could have remained so long in our climate, at that time scarcely illumined by electric light and quite uncheered by central heating. But he was too busy all these years to notice the weather much, except that it always rained on Sundays (he averred), until he went to Washington, where he found again the blue skies and sunshine which he so longed for. This instantly prepossessed him in its favour—a pleasing impression which never abated ; the charming city, and its beautiful surroundings were ever a delight. He drove almost daily either to see the view of Washington from the Soldiers' House or to look across the Potomac River from Arlington (General Lee's old home), or to Chevy Chase and through the woods of Rock Creek, then still in their wild and natural garb, long before their successful conversion into an entrancing suburb and a beautiful National Park. It is easy to write of the attractions of Washington and its surroundings—and indeed to write of all the thirteen years my father spent in this congenial post. For, instantly, the flood-gates of recollection burst open and a myriad memories—delightful, interesting, precious, and above all grateful—surge through, crowding down even to the very point of this much restricted pen. Alas ! it is not possible to give them all a place here, and how to choose only some from among so many of equal value ?

Suffice it then to say that the sunshine and the clear atmosphere of Washington seemed to permeate every activity of his mission. His genuinely friendly relations with four Presidents, seven Secretaries of State, the Chief Justice of the Supreme Court, and with the official world generally, speak eloquently without more words, of the confidence and sympathetic understanding inspired by both sides. It was very fortunate, I think, in that his character, temperament and natural gifts suited and strengthened each other. He was a born humanitarian, with a keen and kindly insight into human nature, and these qualities, well developed by his legal training and practice, produced that high sense of justice (always tempered by mercy) that was his outstanding trait and made itself felt in daily life, throughout his family circle and household as much as by his colleagues and competitors in the course of official negotiations. He possessed also sound common sense, and a great fund of humour, so that he much appreciated American wit, and the quick and clever give-and-take of American conversation. He always kept his eye on the "passing show," and while he was amused or interested by transient fads, theories, fashions, and storms in tea-cups, he was never really carried away or influenced by them for a moment. Nor did he allow himself any illusions—even on the great subject of peace and arbitration. Mr. Mowat deals fully with his work at the first Hague Peace Conference, and as is well known he believed firmly in arbitration and mediation. But although thankful beyond words for what that Conference had achieved he would never admit more, even in the midst of

overwhelming acclamations, than that a seed had been well planted, and the world provided with practical means for tending its growth.

The American genius for showing forth hospitality and giving friendship to their neighbours is admitted all the world over. These two great gifts were poured out upon my parents, and upon us as well, by word and deed and without count or stint. I never remember my parents being more deeply moved than when speaking of and appreciating the unforgetable and unceasing welcome afforded them.

My father always enjoyed society; he liked entertaining and being entertained. Latterly as the burden of years began to weigh on him he found it more and more difficult to throw off the responsibility of some problem still in process of being solved to take his accustomed place in the gay world; he was often physically tired when social duties—which were equally pleasures—had to be fulfilled after a hard day's work. When the allotted time of his mission drew so near that he had made all arrangements for his final return home, he was requested first by Lord Salisbury and then by Lord Lansdowne, successively Secretaries of State for Foreign Affairs, to remain on at his post. My father was much gratified each time, and though he eventually decided to stay on, he gave the matter full consideration. By remaining, he had to forego the few years of rest usually accorded to old age, and the pages he could have added to the book of history were never written for lack of necessary leisure. His working life ended on the 19th of April, 1902, and on the following 24th May he died at the Embassy.

Then came such a wonderful expression of sorrow, of esteem and even affection, from President Roosevelt and his Cabinet downward, that it seemed to us as though so great and general tribute had been rarely given to a stranger within the gates of a foreign land.

Our memory of those days can never grow dim ; our deep joy at the appreciation he had can never fade, and it is an incomparable and lasting solace to his family, proving that he chose the better part in deciding to spend and be spent in the service of his great mission ; for even in this world, his work was not in vain.

SIBYL PAUNCEFOTE.

ENGLEFIELD GREEN, SURREY,
June, 1928.

CHAPTER I

YOUTH

JULIAN PAUNCEFOTE, the youngest child of Robert and Emma Pauncefote, was born on September 13, 1828, at Munich, where his parents spent the greater part of that year.

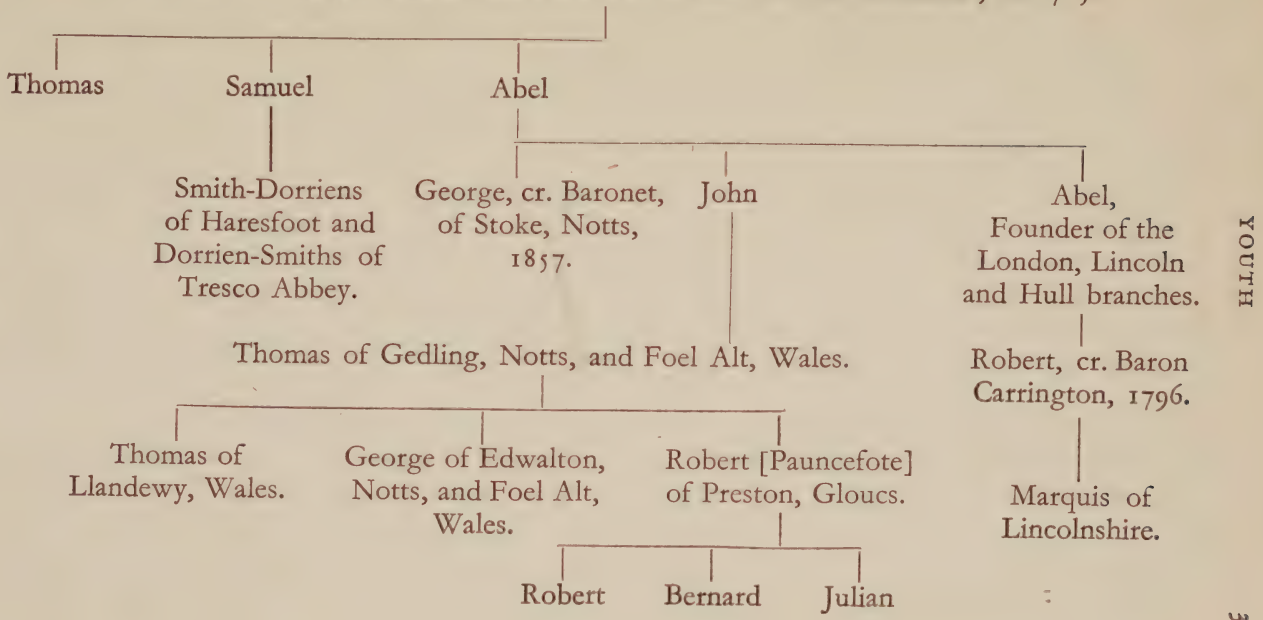
In the years after the Great War, which terminated in 1815, many British families travelled on the Continent of Europe, and some resided there for long periods. Under the political system of which Metternich, the Austrian Chancellor, was the grand architect, Central Europe was peaceful; living was cheap; and education in art, in modern languages and in contemporary politics, was to be had easily. Pauncefote's father had inherited a small property in Gloucestershire—Preston Court—but Mrs. Pauncefote was not fond of the place, so the family lived abroad for fairly long periods, of about two years at a time, although they spent the intermediate periods at Preston Court.

The father, Robert Pauncefote, was forty years old at the time of Julian's birth. He belonged to the same family as Robert Smith, the banker and friend of the younger Pitt, who was made Baron Carrington in 1796 and whose grandson was made Marquis of Lincolnshire in 1912. The Dorrien-Smiths of Tresco Abbey and the Bromleys of Stoke also belong

to this family. Robert Pauncefote's own surname was originally Smith, but he changed it to that of Pauncefote on inheriting Preston Court—a delightful manor-house with several farms—from Sir George Pauncefote of Stoke Hall some time after the year 1807. He was a very handsome man with a charming manner. He was a member of Worcester College, Oxford, and of Gray's Inn, but was independent of his profession as a barrister, which he did not practise continuously, preferring to spend much of his time abroad. His wife was Emma Smith, daughter of John Raphael Smith, a well-known artist and engraver, and he had three sons and two daughters; Julian, the future diplomatist, was the youngest son.

Mrs. Pauncefote was very gifted; she drew and painted extremely well, was fond of music, loved all the arts, and was rather dependent on the society of cultivated and cosmopolitan minds. When she and her husband came to Preston Court she found the semi-isolation of country life as it was in those days somewhat dull. So they began to go abroad, and soon found life in Paris, Rome, Geneva and Munich so congenial that often their visits were quite protracted. In addition Mr. Pauncefote decided that foreign education would be extremely advantageous to his children, and that a really good knowledge of foreign languages could only be a great asset. As a result, all his children—three sons and two daughters—spoke French, German and some Italian; their artistic faculties were well developed and none of them could ever be accused of an " insular " outlook on life.

THOMAS SMITH OF NOTTINGHAM AND OF GADDESBY, LEICESTERSHIRE,
FOUNDER OF SMITH'S BANK; m. FORTUNE COLLIN OF NOTTINGHAM; d. 1715.


Thomas
Samuel
Abel
Smith-Dorriens of Haresfoot and Dorrien-Smiths of Tresco Abbey.
George, cr. Baronet, of Stoke, Notts, 1857.
John
Abel, Founder of the London, Lincoln and Hull branches.
Thomas of Gedling, Notts, and Foel Alt, Wales.
Robert, cr. Baron Carrington, 1796.
Thomas of Llandewy, Wales.
George of Edwalton, Notts, and Foel Alt, Wales.
Robert [Pauncefote] of Preston, Gloucs.
Marquis of Lincolnshire.
Robert
Bernard
Julian

Julian's first school was at Passy, a suburb of Paris. All the teaching was in the French language, which became as natural to him as his native tongue —sometimes even more so. He never forgot being asked to recite the names of the Balearic Islands (when attending a preparatory school in England between the residences abroad). He knew the names of the islands, but could only say them in French which he did, to the amazement and amusement of his fellow pupils.

A vivid impression of the early days in Paris was being taken by his sisters to see their friend the beautiful Miss Collier dressed for her " Coming-out ball." Julian always declared she was the most exquisite girl he had ever seen. This lovely *débutante* became Mrs. Tennant, well known in London as a charming hostess in Richmond Terrace, and as the mother of two very handsome daughters—Mrs. Frederic Myers and Lady Stanley, who married Henry M. Stanley the explorer.

From Paris the Pauncefote family went to Geneva where Julian, with his elder brother Bernard, attended the Pensionnat Janin. There were a number of young foreigners at the school, among them a certain Eugène Ploume, the son of a former officer of Napoleon I. Ploume became a captain of cuirassiers and had an arm broken by a Prussian shell at the battle of Reichshoffen in 1870, after which he was employed for many years in the Ministry of War in Paris. In 1882 when Julian was now a high official, just appointed Permanent Under-Secretary of State at the Foreign Office, Captain Ploume, seeing the announcement in a journal, wrote a charming letter

of congratulation, recalling the days at the Pensionnat Janin—Julian's " sweet, affectionate glance," and his dashing elder brother who swam right across the Lake of Geneva.

Julian, a good-looking, sweet-tempered boy, was already impressing himself on his associates as essentially friendly and sympathetic.

After 1840 the Pauncefote family spent longer intervals in England; and in 1843 (August) Julian entered Marlborough College. This school was founded in 1843 and Pauncefote was one of the original entrants. He was then just under fifteen years old; and of the 218 boys with whom this famous school began its existence, he was the only one to attain distinction in after life. Marlborough College, situated in the charming town of the same name, was still an important stage for the coaches, for there was no railway from Swindon to Marlborough for another twenty years. Pauncefote became much attached to the school, to the town and to the adjoining Savernake Forest. If his previous education on the Continent helped his development towards a tolerant, international outlook, his time spent in the robust atmosphere of Marlborough College, with its particularly hardy discipline, and in the quaint old English town and picturesque countryside, helped to fortify his solid English character and his sound common sense.

As originally founded, Marlborough College was intended chiefly for the sons of clergy; sons of laymen were only permitted to enter to the extent of one-third of the total number of pupils on the school register. The building used for housing the boys

was the fine old Jacobean mansion (by Inigo Jones) of mellow brick, which is still the central part of the school and the core of the school-life. The total fees charged per annum were £31 10s. for the sons of clergy, and £52 10s. for the sons of laymen.

Marlborough is considered still to be a somewhat Spartan school, but its hardiness is nothing compared with what it was in Pauncefote's time. The life of the boys in these early years was turbulent. The ground now given over to flower-beds and lawns was in those days "sacred to dog-fights and pistol shooting." On cold winter nights small boys were sometimes dangled by their elder comrades by ropes from the high window ledges. Boys rose at 6.30 a.m. or 6.45 and attended chapel at 7, hastily finishing their toilet as they ran across the court. They only had two half-holidays a month, and even then not unless they acquitted themselves creditably in the weekly review which the masters held in every class. What the school rule-book called "the extreme corporal punishment" was the penalty for "the grosser immoralities, stubborn insubordination, falsehood, theft, etc." Only "when these vices are habitual" were the boys "considered unfit for the Society of a School," that is, expelled. The punishment of "caning" was carried out in public, which meant in the presence of the masters and boys. There was only one schoolroom for all the two hundred and eighteen boys—a vast room with two fireplaces, the predecessor of the present cavernous Upper School. The school-year was divided at February and June into two portions or "halves," with two intervals of about six weeks' holiday. The

food provided seems to have been not too plentiful, but was supplemented by purchases made by the boys themselves. "Dormitory grubs," partaken of in the still hours of Saturday nights, are said to have consisted "invariably" of pork-pies followed by cold plum-pudding, washed down with raspberry vinegar.

Young Pauncefote made some impression at Marlborough, owing to his knowledge of French and to his strong character. In December 1844 the sixth form was divided into two "Removes," an Upper and a Lower. The Upper consisted only of four boys, all of them having the dignity of prefects. Among the boys in the Lower Remove there was only one who was a prefect. This was Julian Pauncefote, who, although not in the highest class, had been picked out as a person of character and authority.

Pauncefote left Marlborough at Midsummer 1845. His father had died in the year 1843, and his elder brother, Robert, inherited Preston Court. The next brother, Bernard, was in the Madras Civil Service. His mother lived partly in London, in Queen Anne's Gate, and partly abroad; thus Pauncefote was able to make perfect his knowledge of French; German he could read but not speak. He owed much to the special intellectual stimulus of Geneva and Paris. Geneva had a particularly tolerant and stimulating atmosphere, congenial to the development of social and diplomatic abilities. The city was at this time, as indeed it is now, a kind of microcosm. Its literary brilliance, distinguished by Rousseau and Voltaire, and later by Benjamin Constant and Madame de

Staël, was continued by Sismondi, Rossi and Töpfer. Amiel, the writer of the famous journal, was a student at the Academy. "French keenness was combined with Protestant enthusiasms and Protestant solidity." Men of all nations visited and resided at the famous city on the lovely lake, and made it one of the centres of international culture.

Pauncefote's intention, however, at this time, was not to prepare himself for a diplomatic career. His object was the Indian Army; and he actually received a commission in the Madras Light Cavalry, although he never served. For family reasons he relinquished the commission. His eldest brother died in 1847. The second brother, Bernard, was already in the Madras Civil Service. Mrs. Pauncefote never recovered from the shock caused by the death of her eldest son. It was eventually decided that Julian should make his career in England. Accordingly he became a student at the Inner Temple, and on May 4, 1854, he was called to the Bar. He then set about establishing himself as a conveyancing barrister, but in 1855 he entered—for a brief spell—into official life by becoming private secretary to Sir William Molesworth, Secretary of State for the Colonies.

CHAPTER II

LONDON IN THE MIDDLE OF THE CENTURY

In one of the manuscript papers which Pauncefote left behind him there is written in pencil in his own handwriting a rough list of the statesmen under whom he had served. The list begins with Lord Derby, with whom Pauncefote did not become associated until 1875. The name of Sir William Molesworth is omitted; it is, however, mentioned in another manuscript, a biographical notice of Pauncefote, prepared in the British Embassy at Washington under his own direction, in 1893. It is a name well worth mentioning, for Molesworth was a remarkable man, who exercised a strong influence upon all his circle.

The most significant thing in the life of London in the middle of the nineteenth century was the school or "connection" of philosophical radicals. The founder of this school was Jeremy Bentham, to whose fertile mind a great majority of the ideas which have proved fruitful in British social, judicial, and imperial affairs in the later nineteenth century are due. Bentham died in 1832, but his work as a great publicist and reformer outside Parliament was continued by John Stuart Mill. Inside Parliament the influential men of this school were Lord Durham,

author of the famous Report on Colonial Affairs (died 1840), Charles Buller, to whom for a time Thomas Carlyle was tutor and who assisted Durham in the preparation of the Report, and Sir William Molesworth. The revolution which took place in the reciprocal sentiments of Great Britain and the overseas possessions is inseparably connected with the names of these men. In the first half of the century the overseas possessions were regarded with disfavour; the official class was averse from concessions of self-government, and many thinking people favoured the relinquishing of all sovereignty over the colonies. On their side, the men of the colonies were no better disposed. Molesworth's biographer observes that "Such books as Miss Martineau's *History of the Thirty Years' Peace*, 1815-1845 teem with evidence of Colonial discontent and disloyalty." The work of the earnest band of Colonial Reformers—especially Charles Buller, Edward Gibbon Wakefield, and William Molesworth—changed all this.

Sir William Molesworth, eighth baronet of Pencarrow, belonged to an old Cornish family, and was born in 1810. He had been educated at a school in Frankfort and afterwards at Trinity College, Cambridge, and at Edinburgh. Germany is said to have made him radical, Scotland sceptical, and Cambridge intellectual. He was elected member for East Cornwall in the first Reformed Parliament of 1832. In the House of Commons he established a connection with Grote, the eminent banker, historian and philosophical radical. Mrs. Grote, charming, intelligent, deeply interested in her husband's work and friends,

kept something like a *salon* in her London house for the advanced political thinkers of the time. Molesworth was one of the most familiar members of the Grote circle until his marriage in 1844. After that he divided his spare time between his houses at Pencarrow and Lowndes Square, London. It was in London that Pauncefote came into intimate association with him.

Molesworth's chief work now was in proposing, supporting and drafting representative constitutions, with responsible government, for the colonies; his object was "a system of States clustered round the hereditary monarchy of England." Governed in this way, the overseas possessions, he was sure, "would gladly and willingly come to the aid of the mother country in any just and necessary war." The present Colonial Office he said, in 1850, was "a despotism, tempered by menaces and rebellions."[1]

In the first half of the 'fifties, Pauncefote moved in an interesting social circle, which brought him into connection with Molesworth. The chief family friend that he had in London at this time was the amiable man of letters, Bryan Waller Procter, who wrote poems under the name of Barry Cornwall. This man, whom Carlyle called "a decidedly rather pretty fellow, both bodily and spiritually," had a wide circle of friends and acquaintances including, in his earlier years, Lamb, Hazlitt and Leigh Hunt, in his later period Kinglake and Carlyle. He wrote verses for songs and attained a high degree of popularity both with the general public and with men of letters. Julian Pauncefote was fond of music and

[1] Speech of May 6, 1850 (*Hansard*, third series, vol. cx. p. 1171).

himself sang with a fine baritone voice. He became a close friend of the Procters, and this proved important in his career, for it was "Barry Cornwall" who advised him to take up, as a young barrister, the study of international law.

Another friend of the Pauncefotes was Henry Reeve, the friend of all the intellectuals, as it seems, whether on the Continent or in England. He had known Schelling and Tieck in Germany, Victor Hugo, Thiers, Guizot, de Tocqueville and Montalembert in France, Thackeray, Carlyle, John Stuart Mill and hosts of others in England. In the early 'fifties Reeve was Registrar of the Judicial Committee of the Privy Council, a writer of great authority on foreign policy in *The Times*, and in 1855 he also became editor of the *Edinburgh Review*. He was a friend and supporter of Sir William Molesworth, who figures frequently in Reeve's diary among the guests at the many dinners so copiously recounted in that work.[1]

Other people with whom Pauncefote was familiar were Sir Percy Shelley (son of the poet) and Lady Shelley; he frequently visited at their house, Boscombe Manor, in Dorset. London, then, as now, was a place that people tended to leave in "week-ends" if they had friends in the country. Pauncefote's hosts, besides the Shelleys at Boscombe, were the Ames family at The Hyde in Hertfordshire, and the Montgomerys at Burnham Beeches.

Pauncefote had enjoyed singing and once appeared in public singing with Mario, a celebrated tenor of that time. He was asked out a great deal in society,

[1] See *Memoirs of Henry Reeve*, edited by J. K. Laughton (1898), vol. i.

and seemed in a fair way to becoming absorbed in social life when, fortunately for his career, an opportunity of becoming associated with the Colonial Office was offered him.

With Sir William Molesworth Pauncefote came into touch through Henry Reeve ; and perhaps even more through Victor Houlton, private secretary to Molesworth and later Chief Secretary to the Government of Malta. Houlton's sister was married to a Colonel Vivian, at whose house Pauncefote frequently visited. In 1855 Houlton went out to his post, to which he had just been appointed, in Malta ; and before going he recommended Molesworth, who desired to have an energetic, industrious and clear-headed young man for his private secretary, to take Julian Pauncefote, then aged twenty-six.

In July 1855, before the fall of Sebastopol in the Crimean War, Lord John Russell retired from the post of Secretary of State for the Colonies in Lord Palmerston's Cabinet. Sir William Molesworth was appointed in his place. He thereupon appointed Pauncefote to be his private secretary.

The official connection of Pauncefote with Molesworth lasted only about three and a half months. Molesworth's health, always delicate, was now breaking down ; he died in London on October 22 of the same year. During these last months he was much attacked in Parliament. At the same time, in spite of ill-health, he was working in the Colonial Office at his projects, such as a plan for educating the Kaffirs of Cape Colony. Pauncefote, owing to the illness of his chief, had a great amount of work thrown upon him, and he gained an insight into

colonial affairs, especially into questions of administration and jurisdiction, which was to be extremely valuable to him; it also proved valuable to the colony with which he was to be later associated.

After Molesworth's death Pauncefote worked hard as a conveyancing barrister and was sufficiently successful to be able to marry. He had been engaged for some little while to Miss Selina Cubitt, who was as attractive in character as she was beautiful in person. She was a daughter of William Cubitt of Catfield Hall, Norfolk, Major in the Bengal Native Infantry, and sister of William Cubitt, V.C., D.S.O., who was later Colonel of the same regiment. They met through friends while both were staying in Dresden, fell in love at first sight, soon became engaged and were married on September 14, 1859. This was the beginning of a long and happy union. Pauncefote and his wife first went to live at 18 Chapel Street, Bedford Square, where a son was born on July 11, 1860, who only lived three weeks. Just about this time Pauncefote lost nearly all his private fortune in the failure of a bank. In these circumstances he felt inclined to leave London, if a suitable opportunity was offered.

CHAPTER III

HONG KONG AND LEEWARD ISLES

Pauncefote's interest in colonial administration remained unimpaired throughout his period of work as a conveyancing barrister. In 1862 he decided to go out to Hong Kong where the large and rapidly increasing trade of the colony offered excellent opportunities to a practising lawyer. He was accompanied by his wife and eldest daughter, born in June.

When Pauncefote went to Hong Kong the legal and administrative affairs of the colony were not in the best condition. The island, which is about eighteen square miles in extent, had been acquired from China by Great Britain by the Treaty of Nanking, August 29, 1842. It is a bare, rocky place, with a magnificent harbour, on which is the capital, Victoria, but with no other natural resources. Until acquired by Great Britain Hong Kong was simply a notable centre of piracy. The situation on the ocean highway and proximity to the Chinese mainland, which had made the island so suitable for the purposes of pirates, made it, in British hands, attain to enormous importance as a centre of trade. Its functions were simply those of a depot and place of exchange. In 1863, when Pauncefote arrived in the colony, the population was something over 100,000 ;

but the number of people who entered or left annually was 600,000. The permanent and transitory populations were alike predominantly Chinese. The small number of European merchants sometimes, although by no means always, made considerable wealth; and they tended to live extravagantly and wastefully—so much so as to call down upon themselves the rebukes of the Governor. Pauncefote took up his professional work in 1863, renting an office in Queen's Road from the *Messageries Impériales*. His private house was in Bay View.

The condition of the Administration was unsatisfactory. The report made by the Governor, Sir Hercules Robinson, to Parliament in 1862 contains an elaborate account of an enquiry into abuses in the Civil Service. In particular, Daniel Richard Callwell, Justice of the Peace, Protector General of Chinese and Brothels' Licenser of Hong Kong had been accused of prolonged complicity in the affairs of one Machow Wong, a notorious pirate. An investigation conducted by the Executive Council had resulted in the charges being, from the official point of view, substantiated. The story, even in the dry, official report, reads like one of Joseph Conrad's tales. Machow Wong was a native of the city of Namtao in Sunon on the mainland. His father, on dying, left him some houses and land. He became a contractor of fodder for horses, and so gained his name of Machow or Horsegrass Wong. He found, however, a lucrative sideline of business, by leaguing himself with pirates along the coast. Someone, however, denounced him to the local mandarins. So Machow Wong fled to Hong Kong and became an ostensible

fishmonger, but his principal occupation was found in disposing of the loot of his confederate pirates who remained at sea, and in organising a band of thieves on the island. He became intimate with Mr. Callwell whose position as a magistrate and as Protector of the Chinese population was said to have proved extremely useful to him.

The affair of Callwell naturally gave rise to much excitement among the Europeans in Hong Kong. Although he was dismissed from his official appointments in 1861 he remained in the Colony and, owing to his influence with the Chinese, was occasionally used by Governor MacDonnell for the detection of crime. He had strong supporters as well as strong critics. Pauncefote believed in Callwell's respectability and later defended his name in the Legislative Council. What Pauncefote said was : " Some think that he is an ill-used, but respectable man, while others do not share this opinion, but so long as he comes and says, ' I can get the murderers,' we can give no other answer than ' we are glad if you can.' "[1] By this time Pauncefote was Attorney-General of the Colony, and so especially favourable to anybody who could help the authorities to detect criminals.

Although this particular abuse in the Civil Service was cleared up in 1862, the year before Pauncefote's arrival, the questions of piracy and of the criminal element remained very acute and provided a field for the exercise of his legal and practical abilities.

The prevalence of piracy was due then, as now,

[1] See *History of the Laws and Courts of Hong Kong*, by J. W. Norton-Kyshe (1898), ii. 179.

chiefly to the weakness of the Chinese Government on the mainland. Although the Chinese people, as a whole, were not naturally inclined to disobey the laws, yet a large criminal class grew up, and a great part of this class hovered regularly in the neighbourhood of Hong Kong. These men divided their time between fishing, tilling the land and piracy. They possessed "snake boats" and other craft, and attacked vessels that approached too near the shore or which were becalmed near their haunts. They had their friends among the population of Hong Kong; and in dealing with these a great difficulty stood in the way of the British Administration, namely the corrupt condition of the Hong Kong police.

There were plenty of police, about 600, a number which would have been enough, it was computed, to deal with a population in England six times the size of the Hong Kong population. Of this total of 600, eighty were European, the rest being Bombay Sepoys or Chinese. These non-European police levied blackmail on the population, and so doubled or trebled their pay. The criminal class increased; in Victoria Gaol the number of criminal inmates rose from 262 in 1858 to 520 in 1862; and it went on increasing, although not so rapidly, until 1865, when a diminution set in.

Pauncefote, naturally, learned much about the police force. When he became Attorney-General he defended the force and had some disputes with the Chief Justice. Their views clashed in the Legislative Council. We are told: "It was amusing to see the Chief Justice and Attorney-General contradicting

each other in Council." But they seem both to have agreed on the policy of inflicting the penalty of flogging for violent crime.

The trade and commerce of Hong Kong provided much scope for the work of a practising barrister. Business was increasing yearly. In 1861 more than 680,000 tons of shipping arrived in the port; in 1862 the amount had increased to 894,924 tons. In 1864 it was 1,013,748 tons. Many Chinese merchants carried on business on a large scale, as did also the European houses, and cases often arose which required settlement.

For the first two years of his residence in Hong Kong, Pauncefote was a busy barrister, and made a high reputation and a considerable amount of money. During this time the Governor was Sir Hercules Robinson, later ennobled as Lord Rosemead, an active official. Robinson on the expiration of the normal term of governorship was transferred in March 1865 to Ceylon, his place in Hong Kong being filled by Sir Richard Graves MacDonnell. In May 1866 Governor MacDonnell appointed Pauncefote to be acting Attorney-General and member of the Executive Council in place of the existing Attorney-General who was on leave in England. This gentleman was soon promoted to be Chief Justice; so in 1866 Pauncefote was made full Attorney-General. This post he held throughout the whole of MacDonnell's period of office. The two men became good friends. The post of Attorney-General was compatible with private practice at the Bar; Pauncefote, in accordance with custom, therefore continued his work in private practice. He was also, as

Attorney-General, a member both of the Executive and Legislative Councils of the Colony. His methodical habits and his great industry enabled him to cope with this vast amount of business, and especially to undertake the compilation of a Code of Civil Procedure which is in force at the present day. The Ordinances issued in Hong Kong in the years 1865-1872 are full of evidence of Pauncefote's activity. During these seven years he also held the position of Acting Chief Justice of the Supreme Court at all times when the Chief Justice was on leave.

The condition of the colony steadily improved. According to Governor MacDonnell's report for 1866 an "extraordinary and satisfactory change" took place in the lawless portion of the population. This amelioration was due, in his view, to the introduction in 1865 of flogging as a penalty for violent crimes; to the improvement of pay in the police, and the recruiting of Sikhs into the force; to the reform of the gaols, "so that those who are condemned to imprisonment can no longer expect commodious lodging with light labour"; and to the inducements held out to prisoners, when their sentences expired, to leave the colony. The evil of piracy was at any rate gradually curbed by the establishing of a special Court to deal with it, armed with new powers and penalties, and without the intervention of a Jury. This Court was only to be resorted to by the Government acting on the certificate of the Attorney-General; otherwise the ordinary courts would function.[1]

[1] Despatch from Governor Sir Richard Graves MacDonnell to the Duke of Buckingham and Chandos, Oct. 29, 1867, in *Parliamentary Papers*, 1867-68, xlviii. 283-295.

A book on the law relating to colonial attorneys-general, published in 1900, has a remarkable passage on the value of Pauncefote's work as Attorney-General of Hong Kong: "During and since his tenure of office in Hong Kong, the administration of justice was never better served, and this is due in a considerable degree to the admirable set of laws drafted by him. At the time of his departure he met with ovations such as probably no Attorney-General within living memory has ever met with in any Colony; the records fully testify to his tact and sense of justice." [1]

In 1873 Pauncefote was appointed Chief Justice of the Leeward Islands. He had been nearly ten years in Hong Kong with two periods of leave, in 1867 and 1871. His private practice at the bar had taken him on occasion to Shanghai. China and the Chinese greatly interested him and indeed attracted him. He was on friendly terms with many Chinamen; with one of these, Woo Ting Feng, who became Chinese Minister at Washington, Pauncefote was able later to renew acquaintance. Woo at Washington used to tell with high approval how Pauncefote as Attorney-General at Hong Kong had taken particular pains in the cause of a Chinaman accused of murder in one of the often-recurring affrays with British sailors. It was a difficult case, and looked black for the Chinaman, who was (at least Woo thought) guiltless, and Pauncefote's investigations were fortunately able to establish the accused's innocence.

When he left Hong Kong Pauncefote received the

[1] J. W. Norton-Kyshe, *The Law and Privileges relating to Colonial Attorneys-General* (1900), p. 63.

thanks of the Executive and Legislative Councils for his services. Quiet, imperturbable, efficient, he left his mark on the colony, and departed to the universal regret of the European population who entertained him, before leaving, in a great public banquet (December 2, 1873). At this banquet (held in the City Hall) the Governor, Sir Arthur Kennedy, said in the course of his speech that the community of Hong Kong valued Mr. Pauncefote because " they knew him to be an able lawyer, but better than that he was an English gentleman." In his reply Pauncefote stated among other things that his time in the Colony had been the most laborious, " but perhaps also the happiest," that he had ever known.

Pauncefote and his family left Hong Kong on December 4, 1873. He carried with him to England a moderate fortune, made in practice at Hong Kong, but he suffered a severe financial loss in the next year. This was the second time that he lost all that he had made.

CHAPTER IV

THE LEEWARD ISLES AND THE COLONIAL OFFICE

The British Empire, like the Roman and the Spanish formerly, offers an enormously varied and spatially extended career to an active public servant. Pauncefote was now forty-six years old. He had not become famous or wealthy, but he had already done a great amount of useful public work. He had practised at the Bar in London, he had assisted the reformer, Sir William Molesworth, at the Colonial Office, he had engaged in the strenuous and highly useful labour of an advocate at the Commercial Bar of Hong Kong, he had helped to govern that important colony and had established its system of law. Now his course was to be switched on to older colonies, the West Indies.

The Leeward Islands are among Great Britain's oldest colonies. In 1493 Columbus, on his second voyage, sailed from island to island, giving them, as he touched at each, the quaint names which they now bear: Dominica, discovered on Sunday, the Lord's Day; Antigua, named after the Church of the Virgin of Antigua at Seville; Montserrat, after a fountain of Barcelona; St. Christopher, because its mountains looked like the conventional statues of that saint; Nevis, because its cloud-capped moun-

tain looked like a snow-field; the Virgin Islands, numerous, like St. Ursula and her eleven thousand.[1]

The islands came into the possession of England at various times, beginning with the year 1623. When Pauncefote went out the total population was over 100,000, some English, some French, but by far the greater number the descendants of African slaves. In 1871 the islands, which had ancient traditions of self-government, were joined together in a federation. The seat of the federal government is Antigua which, "next to Barbados, has the most purely English traditions of any island." Its neighbour, Dominica, is the loveliest of the West Indies, surpassing even Jamaica by reason of its shapely mountains, its stately, virgin forests, its deep valleys.

After leaving Hong Kong, Pauncefote spent about eighteen months in London, before taking up his duties in the Leeward Islands. He received the honour of knighthood; and early in 1874 he went out to Antigua, leaving his family behind him in London. Here a task awaited him similar to that which he had undertaken at Hong Kong. There was no comprehensive code of civil procedure. The old island colonies had each their own histories, customs, laws and traditions. The new federation required a common and comprehensive code. Pauncefote at once attacked the problem, and in something less than a year of hard work he produced a Code of Civil Procedure, based largely on the Rules of Civil Procedure in force in England under the Judicature Acts, but with necessary adaptations to the particular conditions of the Leeward Islands.

[1] Lucas, *Historical Geography of the British Empire* (1905), vol. ii.

Pauncefote never liked the life at Antigua. The place was not thriving. Afterwards he used to say that he felt disaster coming, " in the air." Perhaps the want of his family was at the bottom of this feeling, for he was a deeply domesticated man whose whole joy, outside his work, was in his family.

Having accomplished the task of codification, Pauncefote returned to London, and took a house on The Green, at Richmond. Shortly afterwards the post of Legal Assistant Under-Secretary of State at the Colonial Office became vacant through the resignation of Sir Henry Thurstan Holland, Baronet (afterwards Viscount Knutsford). The Secretary of State for the Colonies, Lord Carnarvon, offered this position to Sir Julian Pauncefote, who accepted it. This began a period of fourteen years' work at Whitehall.

Henry Howard Herbert, 4th Earl of Carnarvon, was the second of the eminent statesmen (Sir William Molesworth being the first) with whom Pauncefote was intimately associated and under whom he served. Carnarvon had a good deal in common with his predecessor, Molesworth, at the Colonial Office. He was an apostle of a more intimate and more equal union than had hitherto existed between Great Britain and the overseas possessions. In this respect his influence over Pauncefote was marked, for Pauncefote's real mission in life, as he grew in years, was to eliminate friction between the English-speaking peoples, and it was in this light that he regarded the last and longest act in his public life, the legation or embassy to the United States. In 1875 when Pauncefote went to the Colonial Office,

Carnarvon was engaged upon his great plan for a union of South Africa.

The fourth Earl of Carnarvon was born in 1831. He grew up in an atmosphere of liberal culture and of public service. As a boy he was taken on travels in Turkey. At Christ Church, Oxford, he gained a First Class in the Final Classical School in 1852. After this he travelled until the outbreak of the Crimean War, when he took his seat in the House of Lords and delivered a notable speech on the sympathy shown by the Colonies to Great Britain during the War. In 1858 he became Under-Secretary for the Colonies in the Conservative Ministry of Lord Derby. In 1867 he was in the Cabinet, as Secretary of State for the Colonies in Lord Derby's third Ministry. In this position he was responsible for the great British North America Act, which created the Dominion of Canada. At the end of the year Carnarvon resigned, owing to disagreement with Disraeli's Franchise Bill; but in 1874 he came back to office, in Disraeli's second Ministry, as once more Secretary of State for the Colonies. This time his chief immediate object was to promote a union of Cape Colony, Natal, the Orange Free State and the Transvaal. He sent the historian, James Anthony Froude, to South Africa to explain the Colonial Secretary's views. In the meantime, in the Colonial Office itself, he was busily engaged with intricate questions of law as well as policy, concerning the relations of the British with the Dutch in South Africa, and of the Europeans with the natives.

In regard both to the great subject of South African union and of the legal relations of the

various races inhabiting South Africa, the position of Legal Assistant Under-Secretary was one of great delicacy and responsibility. Pauncefote had to advise the Secretary of State on the drafting of the union scheme (which ultimately took the form of a parliamentary bill) and concerning the troublesome and highly important question of sentences inflicted on native chiefs. Lord Carnarvon's administration of the Colonial Office was successful, and enormously increased the interest of the public of Great Britain in the overseas possessions, but his bill for the union of South Africa had no immediate result. Before it was introduced into Parliament (1877), Pauncefote had been transferred from the Colonial Office to the Foreign Office. Before he left, however, his chief, Lord Carnarvon, had helped Disraeli to carry through the buying of about one-third of the share-capital of the Suez Canal for 3,976,582 pounds sterling from the needy and extravagant Khedive Ismail. Some years later, Pauncefote was to come into intimate official connection with the Suez Canal Company.

In 1876 a Committee of the House of Commons on Legal Establishments recommended that a post of Legal Assistant Under-Secretary of State should be created in the Foreign Office. The post was offered to Pauncefote, on account of the admirable way in which he had fulfilled the duties of his similar position at the Colonial Office.

Pauncefote was very fortunate in his chiefs. Molesworth was progressive, ardent, stimulating, philosophical. Carnarvon was a *grand seigneur*, of beautiful manners, unfailing courtesy, great personal

charm, unflagging industry, and business-like habits. The Colonial Office, during his time as Secretary of State, was described by his private secretary as being a "happy family."[1] He maintained the closest touch with the higher officials, and naturally mostly with the Under-Secretary, Sir Robert Herbert, and the Legal Assistant Under-Secretary, Sir Julian Pauncefote. However severe the pressure of business was, Lord Carnarvon always kept abreast of the work, and saw that the officials coped with it too as the papers came into the office. "It was very rarely indeed," writes his private secretary, "that a paper was *bottled*." As a particularly hard worker he was not an easy master to serve, but Pauncefote who had the faculties of hard work and clear thinking highly developed, thoroughly satisfied his chief's demands, and carried with him to the Foreign Office, and later to the Washington Legation, the business-like habits which had won the approval of Carnarvon.

[1] Sir Herbert Jekyll in *The Fourth Earl of Carnarvon*, by Sir Arthur Hardinge (1925), iii. 318.

CHAPTER V

THE FOREIGN OFFICE IN THE 'SEVENTIES AND 'EIGHTIES

Pauncefote went to the Foreign Office after the reforms effected by Lord Clarendon who was four times Secretary of State for Foreign Affairs and who died in 1870. "Reforms" perhaps is not the right word. The Foreign Office has a continuous history; it has undergone development and improvement but has suffered no drastic changes. In 1856 Clarendon had instituted a qualifying examination for aspirants to the Foreign Office; and in 1870 he had inaugurated the system of selection by open competition conducted through the Civil Service Commissioners. Two years previously, in 1868, the new building in Whitehall, Gilbert Scott's "Venetian Palace," the present seat of the Foreign Office, had been completed and occupied.

Until 1876 legal questions arising out of the business of the Foreign Office—questions of public or private international law—had been referred to the Queen's Advocate or, if particularly serious, to the Law Officers of the Crown, the Attorney-General or Solicitor-General. Obviously, however, there were many legal matters, especially the continually recurring cases about the status, property, rights and injuries of British subjects in foreign countries, as

well as broader questions of international law, which could be conveniently and speedily settled in the Office if a qualified official was there. It was to meet this want that the post of Legal Assistant Under-Secretary was created in 1876.

The hierarchy of the Foreign Office consisted of the Secretary of State, two Under-Secretaries (one a permanent official, the other a transitory Parliamentary minister), an Assistant Under-Secretary (a post created in 1858), a Chief Clerk and eight Senior Clerks, each having charge of one of the eight divisions under which, for Foreign Office business, the countries of the world were grouped.[1] In this hierarchy there was inserted in 1876 a second Assistant Under-Secretary, Legal.

When Pauncefote joined the Foreign Office, with which all the rest of his life was to be associated, the Secretary of State was Lord Derby. The Permanent Under-Secretary of State, since the retirement of Sir Edmund Hammond (created Lord Hammond) in 1873, was Lord Tenterden. The Parliamentary Under-Secretary of State was the Honourable Robert Bourke. The Assistant Under-Secretary, whose colleague Pauncefote was now to be, was Thomas Villiers Lister.

The Secretary of State, the fifteenth Earl of Derby, was the son of the fourteenth Earl who was three times Prime Minister. He himself, as Lord Stanley, had held in his father's administrations the positions

[1] The eight divisions were: (1) The Central Powers and Denmark. (2) The Near East. (3) Russia, Greece, Sweden, the Italian States. (4) France, Switzerland, the West Indies. (5) The Netherlands, Spain, Portugal, the South American States. (6) North and Central America, China and Japan. See Algernon Cecil, *The Foreign Office*, in *Cambridge History of British Foreign Policy*, vol. iii. p. 589.

successively of Parliamentary Under-Secretary of State for Foreign Affairs, Secretary of State for India, and Secretary of State for Foreign Affairs. The fourteenth Earl died in 1869. The fifteenth Earl was in 1876 Secretary of State in the Cabinet of Benjamin Disraeli, Lord Beaconsfield. Derby was one of the many examples of Great Britain's hereditary statesmen. His high birth doubtless gave him, for entering political life, opportunities which were denied to other men, but he did not owe his success to these accidents. He was capable, hard-working, highly trained. He had distinguished himself at the University of Cambridge, he had travelled, with the definite object of equipping himself for public life, in the West Indies, the United States, India. He was for twenty years a member of the House of Commons. He spared no labour whether on the platform, in the office, or in reading in his study or writing pamphlets on public questions. He is one of the few men who have been offered and who have refused a crown (Greece, in 1862). He was a good business-man, managing his enormous estates successfully and with conscientiousness and humanity. He was entirely without ambition. Such was the man to whom Pauncefote owed his entrance into the Foreign Office, and whose memory he ever afterwards cherished.

The Permanent Under-Secretary was Charles Stuart Aubrey Abbott, Lord Tenterden, a member of a family which had gained high distinction in the profession of law. Lord Tenterden entered the Foreign Office as a Supernumerary Clerk in 1859. He had served as précis-writer to Lord Stanley (later

fifteenth Earl of Derby) in 1867-68, when Stanley was Secretary of State for Foreign Affairs. After that he worked as an official assistant to the Royal Commission on Neutrality Laws (1867-68), and was secretary to the Royal Commission on the Laws of Naturalisation and Allegiance (1868-69). In 1870 he succeeded his uncle as Baron Tenterden. He went to Washington in 1871 as secretary of the Joint High Commission which attempted to adjust the claims (chiefly arising out of the *Alabama* in the Civil War) of the United States against Great Britain. In 1873 as Assistant Under-Secretary of State he attended the Tribunal of Arbitration which sat at Geneva and which actually succeeded in settling the *Alabama* and similar claims. When the eminent Civil servant Edmund Hammond, who had been Permanent Under-Secretary of State for twenty years, retired in 1873, Lord Tenterden succeeded to his post. With the responsibility of the permanent Under-Secretary-ship of State, Tenterden could not continue to fulfil the legal duties which had hitherto been part of his work. His successor as Assistant Under-Secreatry of State, Thomas Villiers Lister, was a Foreign Office man of the purely diplomatic kind. His chief work had been as official private secretary to the Earl of Clarendon during three out of the four periods in which that nobleman was Secretary of State for Foreign Affairs. It was because Lister was not equipped to deal with international law and because questions of this kind were becoming increasingly numerous and pressing, that the post of Legal Assistant Under-Secretary of State was created in 1876 and given to Pauncefote.

The Foreign Office was at this time composed of four departments—the Political Department, the Librarian's Department, the Treaty Department, the Chief Clerk's Department. It was the Political Department which alone dealt with policy, and from which transfers were made to the diplomatic service. The other departments—the Chief Clerk's which was purely financial, the Librarian's, and the Treaty Department—were necessary accessories to the Political Department, for which they performed invaluable services. The work of the Under-Secretaries of State and the Assistant Under-Secretaries of State, naturally, was wholly within the Political Department. Although Pauncefote's post was deliberately created as a position for a technical lawyer, yet in practice he dealt also with purely political affairs, like his colleague, the other Assistant Under-Secretary of State, Lister; for the duties of Under-Secretaries of State, like those of Secretaries of State, are interchangeable. When the health of the Permanent Under-Secretary, Lord Tenterden, began to break up, more and more political duties fell to Pauncefote, who, in the last years of Tenterden's life, often did the work of the Under-Secretary of State.

The Foreign Office, when Pauncefote entered it, was still the somewhat leisurely and aristocratic place that Victorian literature has described. The typewriter having not yet been introduced (it did not arrive until Lord Salisbury introduced it in 1886), the highly qualified officials known as Foreign Office Clerks—the members of the Political Department—were largely employed in the mechanical work of copying dispatches and letters. Pauncefote had

never been a Foreign Office Clerk, and accordingly had been spared this drudgery. He came with a fresh mind, with methodical habits, and with a great power of work. In the Foreign Office of those days it could have been truly said that a few of the officials were gluttons for work, and the others had an easy time. A well-informed writer in 1883 concluded a chapter on "The Office" as follows:

"For the rest, the Foreign Office is a very pleasant club; its members stroll in languidly about the hour of one; they get through their private correspondence and their lunch, and then sit down to an hour or two of work; then after tea, social inter-office visits, and talk, and perusal of the afternoon papers, they have a burst of work again, and then disperse. By patience and the aid of two months or more annual holiday, varied by an exchange of work to some embassy or legation, they arrive at the comfortable position of Chief of Department, with £1,000 a year, and a pension in prospect." [1]

At the top of the hierarchy, however, life was much more arduous. Shortly after Pauncefote's arrival a regulation was made that there must always be a clerk in the office. This change was made in 1876 by the Prime Minister, Lord Beaconsfield, who had, during the Turkish crisis, called upon the Foreign Office for information on a Sunday, and had found that there was nobody there. The establishing of a resident clerk was a sign that the business of the Foreign Office was becoming continuous. Thereafter the wheels of the Office began revolving very early. At 7 a.m. the Queen's Messengers, who had been travelling all night, would arrive from abroad and deliver their bags. The resident clerk

[1] *Foreign Office Sketches*, reprinted from *Vanity Fair* (1883), p. 8.

would open the dispatches and letters, register them, and send off all, except Commercial and Consular communications, to the private residence of the Permanent Under-Secretary of State. The duties of this man were described as being "about as hard and irksome as the worst enemy of such an official could wish them to be." The dispatches might arrive at Lord Tenterden's house before he had finished dressing. The hard-working official, however, would rapidly go through them, and note suggestions for their answer on the back of the docket in which each dispatch was enclosed. He would then send the boxes of dispatches on to the residence of the Secretary of State—"all but such as demand legal advice thereon, which are sent to Sir Julian Pauncefote."[1] As a matter of fact, however, Pauncefote was apt to receive the whole contents of all the boxes, before they went to the Secretary of State, because Tenterden was indisposed. The dispatches having been read, the Under-Secretary or Assistant Under-Secretary could have his breakfast in comfort, read *The Times*, take a walk in the Park, and go down to the Foreign Office between twelve and one o'clock.

Although the staff of the Foreign Office did not, as a rule, go to their desks until midday, they made up for this easiness in the morning by staying late whenever there was pressure of affairs. The Foreign Office was always fairly busy but, owing to the nature of politics, the pressure was not steady. As years went on, moreover, the amount of business continually increased, without proportionate increase, at least in the higher staff. Lord Malmesbury,

[1] *Foreign Office Sketches*, p. 10.

Secretary for Foreign Affairs in 1853, had a census of papers taken, and found that as the years passed away the number of dispatches which the Foreign Office dealt with annually always rose. In 1828 the Foreign Office sent out 5000 dispatches; in 1853 the number was 35,000; in 1854, 49,000.[1] In Pauncefote's time, the number was very much greater.

When the Under-Secretary of State or Assistant Under-Secretaries of State came to the office about midday, there would be a conference for one or all of them with the Secretary of State, who had arrived after having read the dispatches forwarded to his house the same morning. The heads of departments or of sections of the Office had also to be seen and the work for the day distributed among them. The afternoon was often devoted to interviews with foreign ambassadors or ministers who called at the Foreign Office, or with members of the Government. Before the day was ended the Under-Secretary and Assistant Under-Secretaries had finally to approve and initial or sign the dispatches which were due to go out of the office that night. "At last, if times are normal, all the consultations are over, all the letters written or dictated, all the out-going dispatches read; and some time between six and seven o'clock the Secretary of State, the Under-Secretary, the Assistant Under-Secretaries, and Clerks of all grades, weary with work which may have been harassing and which may have amounted to anything from five to eight hours, are wending their several ways to suburb, club or home."[2]

[1] Algernon Cecil, in *Cambridge History of British Foreign Policy*, iii. 588.

[2] *Foreign Office Sketches*, p. 12.

Although appointed in 1876 originally as Legal Assistant Under-Secretary of State, Pauncefote's judgment soon came to be used in matters of policy and administration as well as of law; and the Foreign Office lists of his time make no distinction in the titles of the two Assistant Under-Secretaries.

During Pauncefote's period as Assistant Under-Secretary of State at the Foreign Office there were two first-class crises, one in 1876-78 with regard to Turkey and Russia, the other in 1882 with regard to Egypt, besides minor but quite acute difficulties concerning Greece and Montenegro. In the first crisis, however, when an insurrection was going on in Herzegovina, when atrocities were perpetrated by Turks in Bulgaria, when Russia went to war with Turkey, and when Great Britain nearly went to war with Russia over the Treaty of San Stefano—during all this prolonged agony, Lord Tenterden, the Permanent Under-Secretary was still in his strength, and carried the burden of Foreign Office administration on his shoulders.

Lord Derby resigned the post of Secretary of State for Foreign Affairs in Lord Beaconsfield's Cabinet on March 28, 1878; he could not agree to the Government calling out the reserves, and making ready for a war—which, in fact, never took place—with Russia. The Treaty of San Stefano (March 3, 1878), concluded by Russia at the end of her successful war with the Turks, had given her too much power in the Balkans; at least, so Queen Victoria and Lord Beaconsfield thought. Beaconsfield demanded that the Treaty of San Stefano should be cancelled. He persuaded most of his Cabinet to

assent to a vigorous policy ; he sent the British fleet into the Dardanelles, brought Indian troops to Malta, and called out the reserves in the British isles. When Lord Derby resigned, Lord Salisbury, who was Secretary of State for India, changed over to the Foreign Office. Russia gave way before the determination of Beaconsfield and consented to annul, or at any rate greatly to amend, the Treaty of San Stefano. This agreement was registered in an Anglo-Russian Convention, signed by Salisbury and Schouvaloff (Russian Ambassador at London) on May 30, 1878. The Russian Government had informed the other Powers of its readiness to take part in a Congress on the Eastern Question. The Salisbury-Schouvaloff Convention pre-judged, to some extent, the work which the Congress was expected to determine ; and it was highly desirable that the Convention, which was accomplishing its object of preventing an Anglo-Russian war, should not be made public. A copying-clerk, employed in the Foreign Office, communicated the contents of the Convention to the *Globe* newspaper. As there was then no Official Secrets Act, he could not be convicted of any misdemeanour under the law as it then stood. He could only be dismissed.

This was a comparatively small point of law which engaged Pauncefote's attention while still Assistant Under-Secretary of State. The big thing which fell to him was to master the intricate legal or quasi-legal points in the Eastern Question. Of these the Danube was perhaps the most intricate. Sir Charles Dilke said that Pauncefote was the only man in England who understood it. For his services

Pauncefote was on January 12, 1880, created a Knight Commander of the Order of St. Michael and St. George; and on April 20 of the same year he was made a Commander of the Bath. After the death of Lord Tenterden he was appointed on September 23, 1882, to the post of Permanent Under-Secretary of State at the Foreign Office. As, owing to Tenterden's ill health, Pauncefote had already, while only Assistant Under-Secretary, frequently performed the duties of Permanent Under-Secretary, the years 1880 to 1889 (when he ceased to be Permanent Under-Secretary) may be treated as a whole.

CHAPTER VI

COLLEAGUES AT THE FOREIGN OFFICE BALKAN AFFAIRS AND THE DANUBE

In March 1880 Parliament was dissolved. At the ensuing General Election Lord Beaconsfield and the Conservative Party were signally defeated. The Liberals came into power with Mr. Gladstone at their head. Gladstone made up his Ministry with Lord Granville as Secretary of State for Foreign Affairs, and Sir Charles Wentworth Dilke as Parliamentary Under-Secretary.

This was a time of great difficulty at the Foreign Office, for very serious questions had been left over, still unsettled, by the Beaconsfield Administration. The Treaty of Berlin had determined the frontiers of the Balkan States, but (with the Turkish power in decay) it was obviously not a stable arrangement. In particular the new State of Bulgaria was not satisfied with its southern frontier which was defined by the Balkan Mountains; the Bulgarian Government would have liked to cross the Balkans and to join with Eastern Rumelia, the autonomous province established by the Congress of Berlin, subject to the Porte, although inhabited principally by Bulgars.

A second question which agitated the Balkan area was the demand of Greece for an increase of territory (at the expense of Turkey), on account of her self-

denial in 1877-78. In these years the Greek Government, although burning to take part in the war of Russia and Serbia against Turkey, had remained neutral (on the advice chiefly of Great Britain) and so had prevented further international complications.

There was no end to the trouble that the unhappy conditions of the Balkan area supplied to the rest of Europe. By Article 23 of the Treaty of Berlin the Sultan had bound himself to introduce into Macedonia reforms similar to those previously introduced (at least on paper) into Crete by an "Organic Law." In spite of Article 23, the Turkish Government, with their invariable combination of inertia and prevarication, were successfully neglecting and even resisting the introduction of the reforms. Mr. Gladstone's interest in the Eastern Question was well known and in the recent crisis in the Balkans had been loudly proclaimed by his celebrated pamphlet *The Bulgarian Horrors and the Eastern Question*. In the Speech from the Throne delivered on the opening of the new Parliament in 1880, the Government's intention was proclaimed to secure "the early and complete fulfilment of the Treaty of Berlin with respect to suggested reforms and equal laws in Turkey, as well as to such territorial questions as had not yet been settled in conformity with the provisions of that Treaty."

Lord Granville was a capable Foreign Secretary, a Whig of old family, courteous, tactful, well-versed in foreign affairs, vigorous and firm without any tendency to noise or assertiveness. He was a good chief to work with, and Pauncefote was always in the best of relations with him. Perhaps the only

difficulty that could arise in transacting business with Lord Granville was on account of his habit of misplacing proper names. "I have known him," wrote Sir Charles Dilke, "carry on a *long* conversation with me at the Foreign Office about the proceedings of two Ambassadors who were engaged on opposite sides in a great negotiation, and call 'A' B and 'B' A through the whole course of it, which was, to say the least of it, confusing." [1] Lord Granville on coming to the Foreign Office in 1880 soon recognised Pauncefote's merits. When Lord Tenterden died and when Pauncefote was appointed in his place, Lord Granville wrote of the new Permanent Under-Secretary: "I have the highest opinion of his abilities, character and industry. He is popular in the office and with the *Corps Diplomatique*; an excellent Frenchman, and his knowledge of law is constantly of use." [2] An "excellent Frenchman" means, of course, that Pauncefote had a first-rate knowledge of the French tongue. There was some opposition to Pauncefote's appointment as Permanent Under-Secretary as being contrary to received tradition, "because Sir Julian Pauncefote was originally neither a Foreign Office clerk nor a diplomatist"; but Lord Granville "refused to be prevented." [3]

Sir Charles Dilke, Pauncefote's colleague for two years as Parliamentary Under-Secretary of State for Foreign Affairs, was one of the ablest men in the House of Commons and in the Government. He was a public man who, when he took up a subject

[1] Gwynn and Tuckwell, *The Life of Sir Charles Dilke* (1917), i. 486-7.
[2] Fitzmaurice, *The Life of Lord Granville* (1905), ii. 446-7.
[3] Fitzmaurice, *op. cit.* ii. 452.

went to the bottom of it; and there were not many important things in the national life which Dilke did not take up. Outwardly he seemed to be cold, efficient, ruthless; he never appealed much to the British public; but his ability and his zeal for the general welfare were undeniable. He was progressive, indeed Radical, in his political views, and Mr. Gladstone greatly valued his services. Cultured, travelled, athletic, Dilke, in his leisure hours could be a charming friend. Pauncefote found him an excellent colleague, "How we all deplore your departure, *none so much as myself*," he wrote when Dilke in 1883 became President of the Local Government Board. In those days Pauncefote, when he could snatch a few hours from the Foreign Office, used frequently to go to Dilke's house, 76 Sloane Street, and fence with Dilke on the terrace of the garden. Lord Desborough has borne testimony to Pauncefote's "deadly riposte" with the foils.[1]

No. 76 Sloane Street was one of the social centres of English official life, and, in spite of Dilke's strong Party connections, the traditions of the Civil Service permitted Pauncefote to be intimate there without any question arising concerning his political impartiality. The plain stone house in the busy street was a haven of quiet and culture and of lofty political interest. The rooms were lined with pictures from top to bottom—pictures of Dilke's Radical ancestors of the Elizabethan period and the Great Civil War, pictures of famous scenes with some prominent historic figure, soldier or statesman, in the midst; and pictures of Dilke's personal friends—John

[1] *The Life of Sir Charles Dilke*, ii. 233.

Stuart Mill, Chamberlain and others. Old Masters and contemporary Victorian painters, Doges, Italian patriots, every type of historic personage appeared on the canvasses. Books on French art, on politics and social subjects, as well as some books on English literature, especially Keats, filled the shelves. A constant stream of visitors came to the house—casual callers, official messengers with dispatch boxes, diplomatists from the embassies, such as Baron d'Estournelles de Constant or M. Gennadius, members of foreign legislatures like Joseph Reinach, Cabinet Ministers like Gladstone, Chamberlain, Morley, clerics like Cardinal Manning. Such was the society which Pauncefote met at Dilke's house, and in that liberal and international atmosphere he moved with his unerring poise, the pleasant, judicious, discreet Permanent Under-Secretary, the man with no enemies, apparently without even any critics. No. 76 Sloane Street appealed to him, not merely for its fencing, its sociableness, but for the atmosphere of work, for Dilke's home, amid all the diversions which his hospitality provided, always retained the distinct impression of high and sustained endeavour.

In the years 1880-85, when Lord Granville was Secretary of State, Pauncefote was kept very much occupied with the Eastern question. This is the period of the zenith of Bismarck's diplomacy. The great Chancellor viewed the fall of Beaconsfield's ministry with "unconcealed regret," for he regarded Gladstone as the champion of "clericalism and democracy."[1] Nevertheless Bismarck sent very friendly

[1] Fitzmaurice, *op. cit.* ii. 108.

messages to the Foreign Office through Lord Odo Russell, British Ambassador at Berlin. Lord Granville was able to maintain good relations on the basis of the strict execution of the Treaty of Berlin. This was what Bismarck wanted in the Balkans, for he dreaded any further changes which might lead to war. To settle the Turkish question, he said to Odo Russell, he would not sacrifice the bones of a Pomeranian grenadier. Yet " lasting peace," he admitted, " there would be none in Europe, so long as the Oriental question remained unsettled as a whole." Lord Granville required very careful guiding in this thorny question which bristled with points of international law. Baron de Courcel, the French diplomatist, told Sir Charles Dilke about this time that in his dreams he " always saw a second river flowing by the side of the Danube, as large and as swift, but black—the river of ink which had been shed over the Danube question." Pauncefote shared with the Permanent Officials of the Continental Chancelleries the responsibility for much of the river of ink, poured forth on this and other aspects of the Eastern question. His knowledge, industry and judgment never failed Lord Granville.

The first thing that had to be done was to redress the grievance which Montenegro had against the Treaty of Berlin. This Act had given a strip of the Adriatic coast, including Antivari, to Montenegro, but had forced her to restore Dulcigno to Turkey. On the other hand it had awarded to Montenegro the inland Turkish (Albanian) districts, Gusinje and Plava, of which, however, she could not, owing to the resistance of the local population, take possession.

The Chancelleries of Europe therefore looked round for some other territory which might be given instead of Gusinje and Plava. The Foreign Office took the view that Dulcigno, after all, might serve for this purpose. Abdul Hamid II, the Sultan, showed some natural reluctance to this plan, and even stoutly opposed it. The Foreign Office, however, maintained the pressure of moral suasion on the Porte, and at the same time preserved close concert among the Powers. Lord Granville persuaded Gladstone to allow, if necessary, a naval squadron to blockade Smyrna or Salonica. The situation in the Near East now became once more really critical. Austria and France still hesitated, but fortunately Bismarck gave his consent to the British design ; he would not actively take part in coercive measures against Turkey but he would " raise no objection," and would even " lend his shoulder " in order to make the negotiations move on. Then the Sultan gave way, and on November 25, 1880, handed over Dulcigno to Montenegro.[1]

After Montenegro, Greece. This State had been promised, not explicitly on paper, but yet definitely, at the Congress of Berlin that she too would receive a territorial increase at the expense of Turkey. As the Sultan had not signed any undertaking to this effect, it was, naturally, still more difficult to make him agree to such a cession even than it was with regard to Montenegro. At this time (February 1881) Alfred Goschen (later Viscount Goschen) was British representative at Constantinople as a Special Ambassador *ad interim*. In February 1881 Mr.

[1] Fitzmaurice, *op. cit.* ii. 220-221.

Goschen was in London on a short visit. At the suggestion of Lord Odo Russell, Goschen stopped at Berlin on his way back to Constantinople. He was capable, persuasive, and a master of German. He spoke with the authority of an ex-Cabinet Minister and a Member of Parliament. Bismarck was won over. A month or two of negotiation were still necessary at Constantinople, before the Porte gave way. In May the whole province of Thessaly was handed over to Greece.

Certain other questions vitally interesting the Continental Powers had little reaction in the Foreign Office. Such were the occupation of Tunis by France in 1881 and the alliance of Germany, Austria and Italy (the Triple Alliance) in 1882. But the Danube was an affair of importance to Great Britain on account of her sea-borne trade; the history and international law concerning the river were a little complicated, but Pauncefote had mastered it—being, according to Sir Charles Dilke, the only man in England who had done so.[1]

By Article 109 of the Treaty of Vienna, June 9, 1815, navigable rivers traversing more than one state were declared to be free and open to the commerce of all comers. This memorable rule, however, creating "international rivers" only bound those states which were parties to the Treaty of Vienna, and consequently did not apply to Turkey. The lower course and the mouths of the Danube were in the power of the Turks from the close of the Middle Ages to the early nineteenth century. Consequently the area of the lower Danube suffered from the

[1] Gwynn and Tuckwell, *The Life of Sir Charles Dilke*, i. 384.

prolonged blight that came almost everywhere under Turkish rule. In 1829, however, Russia, having won a war for the liberation of Greece from the Turks, imposed upon Turkey the Treaty of Adrianople by which, among other conditions, she annexed the whole delta and mouths of the Danube excepting the most southerly mouth known as the St. George. The St. George mouth was shared with Turkey, Russia having the left bank and Turkey the right (Treaty of Adrianople, September 14, 1829, Article 3). The same Treaty declared the Danube to be open to the two signing Powers, Russia and Turkey; no other states were mentioned.

In 1856, at the end of the Crimean War, the policy of the victorious Powers was to provide safeguards for Turkey in the future against Russia. Accordingly Russia was compelled, by the Peace Treaty of Paris, March 30, 1856, to retrocede the delta and mouths of the Danube and a substantial corner of the province of Bessarabia on the north of the Danube. The corner of Bessarabia was given to Moldavia, an autonomous vassal province of Turkey; but (by a protocol or treaty of January 6, 1857) the delta of the Danube (that is from Kilia mouth on the north to the St. George mouth on the south) was placed under the immediate sovereignty of Turkey. But the river was no longer to remain closed from the sea to all but Russian and Turkish ships. Article 15 of the Peace Treaty of Paris applied the principle of the Treaty of Vienna to the Danube and declared the river and its mouths to be free to navigation. As Moldavia could not, and the Turks certainly would not, carry out the technical works necessary for the

opening and improvement of the channels, a "European Commission" was established. This consisted of one representative of each of the states signatory of the Treaty of Paris—Great Britain, Austria, France, Prussia, Russia, Sardinia and Turkey. The Commission was charged with the duty of designating and executing the works necessary below Isatcha for the clearing of the mouths of the Danube. When these works were completed (the time required was estimated at two years) the European Commission was to be dissolved, and a Riverain Commission consisting only of representatives of the riparian states was to assume control of the river throughout its whole course.

Under the Treaty of Paris both the European Commission and the Riverain Commission were brought into existence; but disputes between the Riverain Commission and the Powers in 1859 resulted in the death of that body—it had met in 1858 and 1859 but no subsequent meeting was held. The European Commission, on the other hand, proved to be an efficient organisation; it cleared the central channel or mouth of the Danube delta (the Sulina mouth). In 1871 its life was extended by an international treaty for twelve more years.

In 1878 the Congress of Berlin extended the jurisdiction of the European Commission of the Danube upstream from Isatcha to Galatz at the mouth of the Pruth. Arrangements were made for prolonging the Commission's existence after the term of twelve years fixed in 1871. The new state of Rumania (made up of Wallachia and Moldavia) was to be represented on the Commission (Treaty of

Berlin, July 13, 1878, Articles 53, 54). Russia, however, by the same treaty, was given back the part of Bessarabia which she had been forced to cede to Moldavia in 1856; indeed she was given more than this; for Article 45 of the Treaty of Berlin defined the portion of Bessarabia which she was to acquire as being bounded on the west by the mid-channel of the Pruth, and on the south by the mid-channel of the Stary-Stamboul mouth (just south of the Kilia). This wording gave Russia both sides of the extreme northerly mouths, the Kilia mouths.[1] "Whether the cession of the Kilia mouths to Russia was definitely consented to by the British plenipotentiaries at Berlin will in all likelihood never be known. The cession was probably due to the careless examination of the draft clauses, said to have been the work of a Russian diplomatist, which carried out the retrocession of Bessarabia, not by a reference to the terms of the Treaty of 1857, but by a description of the actual territory to be assigned to Russia, which was made to include the Kilia mouths as well as the Bessarabian territory ceded to Moldavia."[2]

Thus Russia, territorially, had the Kilia mouths, but the European Commission continued, according to the treaties, to be in control of them, with power to execute works, make police regulations, and to levy tolls. The Russian Government, however,

[1] Article 45 of the Treaty of Berlin, July 13, 1878: "The Principality of Rumania restores to His Majesty the Emperor of Russia that portion of the Bessarabian territory detached from Russia by the Treaty of Paris of 1856 bounded on the west by the mid-channel of the Pruth, and on the south by the mid-channel of the Kilia branch and the Stary-Stamboul mouth." The Kilia *mouths* of the Kilia *branch* were north of the Stary-Stamboul mouth.

[2] Fitzmaurice, *op. cit.* ii. 241.

pointed out that the European Commission was charged with these duties and rights, because Moldavia and Turkey were incapable of undertaking them; but now that Russia, by the Treaty of Berlin of 1878, was possessed of both banks of the Kilia mouths, she claimed, as a Great Power, herself to superintend the waterway, to execute the necessary works, levy the tolls and police the channels. Where the river flowed between Russian and Rumanian territory (that is, in the Kilia branch above the Kilia mouths) Russia claimed that the execution of the regulations of the European Commission should be applied under the superintendence of the Russian and Rumanian delegates on the Commission. The net result of all this would be to leave the European Commission with the control only of the Sulina branch (flowing through the middle of the delta of the Danube) and the most southerly, the St. George. The northern branch, the Kilia, would wholly escape from the control of the European Commission.

The Danube question is a fair specimen of the larger aspects of Pauncefote's legal work at the Foreign Office, in addition to the innumerable small matters concerning extradition, foreign customs and tariffs, coinage, postage and all the other daily business of international law. He had the Danube question completely studied and presented for Lord Granville's guidance. Fortified with this, and with Pauncefote's personal assistance, the Secretary of State was ready for the Conference which assembled at London in 1883.[1]

The Conference of London met for the purpose of

[1] Fitzmaurice, *op. cit.* ii. 242.

dealing with the whole Danube question, and not simply with the special demands of Russia and Rumania. These demands, however, were the most debatable points which were brought forward at the Conference. It was chiefly a Conference of Ambassadors, assisted by technical advisers or "experts." The British delegates were Lord Granville, Secretary of State for Foreign Affairs, and Lord Edmond Fitzmaurice, Parliamentary Under-Secretary of State, who had been appointed to this office in 1883 when Sir Charles Dilke became President of the Local Government Board. The other delegates were the Ambassadors to the Court of St. James of the Powers signatory of the Treaty of Vienna. The Secretary of the Conference was James Archer Crowe who was "Commercial Attaché for Europe."

The Russian case was very ably argued by Baron Mohrenheim, and his views were substantially agreed to. At the end of the Conference, which lasted from February 8 to March 10, 1883, a treaty relative to the Danube was signed by the Powers signatory of the Treaty of Berlin. Article 1 of the new treaty extended the jurisdiction of the European Commission of the Danube upwards from Galatz for twelve more miles to Ibraila. Article 2 prolonged the duration of the powers of the Commission for twenty years dating from April 24, 1883, and thereafter for further successive periods of three years by "tacit prolongation."

Article 3 declared that the Commission should exercise no effective control of those portions of the Kilia branch of which both banks belonged to one of the riverain states (*i.e.* to Russia). With regard to

that portion of the Kilia branch which flowed between Russian and Rumanian territory, Article 4 declared that the regulations in force in the Sulina branch (*i.e.* the regulations made by the European Commission) should be applied under the superintendence of the Russian and Rumanian delegates of the European Commission.[1]

The Conference of London settled the Danube question, on the whole, agreeably to the wishes of the interested states. The British Government had been anxious to ensure that the Russian Government should not execute works on the Kilia branch which would injure navigation in the Sulina branch, "the great international route." The British Government, however, owing to the Russian territorial rights under the Treaty of January 6, 1857, was unable to deny the Russian claim to control (or to share with Rumania the control of) the Kilia branch. It secured, however, that before executing works or levying tolls on the Kilia, the Russian and Rumanian Governments should inform the European Commission and arrive at an understanding with it. This provision was entered in the protocol of the Conference. It proved an adequate safeguard. The Kilia branch was only developed for local traffic and did not compete with the great international highway of the Sulina, which was the special domain of the Commission.

The British Government had also desired that the European Commission, which had carried on a beneficent régime of the Danube for twenty-seven

[1] Rumania had been given a seat in the European Commission by Article 53 of the Treaty of Berlin, 1878.

years, should be made permanent. Lord Granville was, however, unable to carry this proposal in the Conference. What actually was agreed to was (as already stated) a prolongation of the powers of the Commission for twenty-one years, with tacit prolongation thereafter for successive three-year periods. Under this condition the European Commission proved to be as permanent as any other international agencies, for it survived even the Great War, and was reconstituted by the Treaty of Versailles, and reassumed the powers which it possessed before the war.[1]

The history of this important and difficult question—the international régime of the Danube from 1856-1883—was given in a full and lucid dispatch, sent by Lord Granville to Her Majesty's representatives abroad after the closure of the Conference of London. This dispatch bears upon its face the marks of Pauncefote's work although, naturally, it was, as ultimately sent out, signed only by the responsible minister, the Secretary of State for Foreign Affairs.[2]

[1] Article 346 of the Treaty of Versailles, June 28, 1919.

[2] The Protocols of the Conference of London are in *Parliamentary Papers*, 1883, lxxxii. 161-242. The treaty of March 10, 1883, enacting the results of the Conference is in the same volume, pp. 227-229 and 273-278. The dispatch to H.M. representatives abroad, dated March 14, 1883, is in the same volume, pp. 246-253.

CHAPTER VII

PERMANENT UNDER-SECRETARY OF STATE

Pauncefote was both an indefatigable worker and an excellent man of business. He was methodical, friendly, approachable and loyal. He dealt with small and large matters with equal thoroughness and promptitude. He was not afraid to assume responsibility. Consequently he was an ideal permanent head for the Foreign Office. He maintained very cordial relations with successive Secretaries of State and with his colleagues. The Foreign Office, particularly during the seven years when he was Permanent Under-Secretary, was a distinctly happy community.

When Lord Granville nominated Pauncefote to be Under-Secretary in 1882, the appointment of a man, not originally a member of the Foreign Office staff, was naturally criticised, but it was at once justified by success. In 1885 the Liberal Government fell and Lord Granville ceased to be Secretary of State. On leaving he wrote the following letter:

18 Carlton House Terrace,
June 24, 1885.

Dear Pauncefote,

I was kept yesterday later at the House of Lords than I expected, and was not able to return to the Foreign Office till after office hours. I was, therefore, able to see only a few of the gentlemen to whom I wished personally

to say good-bye, and to offer my thanks for all that they have done during the last five years.

Thirty-four years ago I made an appeal to the Office on the strength of our former relations to assist me. Since then I have had twice the opportunity of expressing my opinion of the civil servants of the Office.

I doubt whether the Department was ever so well manned as at present, and it is to that fact that I ascribe that, with no increase of numbers, they have been able to deal so efficiently with an enormous increase of work.

It is certainly the best type of the best Civil Service in the world.

Yours sincerely,

GRANVILLE.

The next Secretary of State was Lord Salisbury, who, however, on this occasion held the seals for only eight months. He and Pauncefote always worked excellently together. To Salisbury succeeded the Earl of Rosebery. But the excitement and agitation caused by the Home Rule question brought ruin upon Mr. Gladstone's third Administration. Rosebery was Chief in the Foreign Office for less than six months, but they were months of considerable activity. On leaving the Foreign Office he wrote :

FOREIGN OFFICE, *July* 31, 1886.

SIR JULIAN PAUNCEFOTE,

The time has come when I must say good-bye to you and to this Office. I came here with a deep sense of my own inability to cope with such a responsibility : if I leave it with that feeling in any way lessened, it is owing to the Office and the services over which I was called to preside.

Every Minister in this country has a right to reckon on the assiduous co-operation of the Department which he has to administer. But in this Office I met with much

more. I found a cordial and sympathetic assistance which I cannot describe or forget.

I soon felt that I was less a Chief of a Department than the principal member of a community associated to work together, and to do their unselfish best for the public interest. No time or labour or means of information were ever grudged to assist me. From the highest to the lowest it has been the same. And as we had some trying periods to pass through together I got a sense of fellowship which was in itself a pride and an encouragement.

It was hard to undertake, and to follow Lord Salisbury in so great a position. If I leave it without discredit it is mainly due to those who have worked with me.

This kindness will be, perhaps, the pleasantest, as the holding of this noble office is certainly the proudest memory of my life.

ROSEBERY.

The third Gladstone Administration was followed by Salisbury's second Administration, with the Prime Minister himself at the Foreign Office. His approval of Pauncefote's tenure of the permanent under-secretaryship is sufficiently proved by Salisbury's nominating him for the Legation at Washington, which was to be one of the most critical posts in the British Diplomatic Service.

The Foreign Office, when Pauncefote became Permanent Under-Secretary, was congested with work and correspondence. There had been very little increase in the staff since 1842; the Library department had received no increase of staff at all since that date. The whole office was organised, according to a scheme of 1881 (due to Lord Tenterden and Pauncefote), in eight Departments—the Eastern, Western, American, Consular, Commercial, Chief Clerk's, Library and Treaty Departments. The

Eastern Department dealt with Eastern Europe, Asiatic Turkey, Persia, Central Asia, Egypt and Tripoli; the Western, with Western Europe, Morocco, Algiers, Tunis, the Pacific Islands; the American with North, Central and South America, China, Japan and Siam; the Consular with consular business, the East and West Coast of Africa, the suppression of the Slave Trade; the Commercial Department worked in conjunction with the Board of Trade; the Library Department, besides keeping books, maintained a register and index of dispatches and letters; the Treaty Department drafted Treaties, Orders in Council, and also dealt with questions arising out of extra-territoriality, the Foreign Enlistment Act, and analogous matters. The Chief Clerk's Department kept the accounts of the Foreign Office.

In a sense the Library Department was the key to the whole; for it had to keep track of all the correspondence and papers which came into the Office or which issued from it, and which, however old they were, and whether apparently important or trivial, might be wanted for reference at any moment by the officials. The number of papers received at the Foreign Office or sent out from it increased with every ten years. From a statement covering the years 1826-1886 the following sample years have been taken:—

Dispatches received at or sent from the Foreign Office.

1826, - - -	12,402
1842, - - -	23,760
1866, - - -	50,585
1878, - - -	78,307
1886, - - -	83,960

The small Library staff, however hard it worked with Sir Edward Hertslet at its head, simply could not even attempt to register and index all the annual flow of correspondence. Yet so familiar did the Library staff make itself with the papers, so retentive was its memory, so ripe in experience were Pauncefote and his colleagues, that no mistakes seem to have occurred throughout all his tenure of the under-secretaryship. The daily correspondence of the Office is intact, with all the minutes, the drafts, the answers, to show how smoothly the Office worked during Pauncefote's years. Yet it was not until 1886 that he obtained any increase for the Library staff, in the following circumstances.

In June 1886 a Departmental Committee was appointed to consider the question of an increase in some of the Foreign Office departments. This Committee consisted of Pauncefote and Sir Reginald Earle Welby (Permanent Secretary of the Treasury, afterwards Lord Welby) and four members of Parliament—Sir Henry James, Sir Henry Holland, Henry Fowler and James Bryce. This Committee carried out an important investigation, but before it had finished its labours Mr. Gladstone had failed to carry his Home Rule Bill through the House of Commons and resigned. So Mr. Fowler's Committee, although not suppressed, was at any rate indefinitely suspended. However, another Departmental Committee had been appointed in Mr. Gladstone's time by the Secretary of State, Lord Rosebery, to consider the Chief Librarian's department. This Committee reported to Lord Iddesleigh, First Lord of the Treasury in Lord

Salisbury's Government, in December 1886. It recommended that four permanent clerks and ten temporary clerks be added to the Librarian's department. But the Treasury, when this report was sent in to it, did not consent. Pauncefote, who had to administer the Foreign Office under the handicap of an undermanned Library staff, wrote on the subject with some warmth in a memorandum prepared for the Royal Commission on Civil Establishments.

It (the Treasury) simply referred to Mr. Fowler's defunct Committee and rebuked the Secretary of State for recommending so many new appointments without waiting for the Report of that Committee. The necessary consequence has been that the confusion of the Library has become more hopeless every day. The number of unregistered letters must now be approaching 1,000,000. . . . The current business of the Office depends entirely upon the memory, fortunately extensive, of Sir Edward Hertslet and his staff.

It may be that the miscarriage of a negotiation may be determined by the absence at the important moment of information with respect to the diplomatic papers that have recently issued from, or been received by, the Foreign Office. From such a mishap, and from all the possible consequences which might flow from it, the Foreign Office are, at present, preserved, not by precaution, but by pure chance. Yet they are helpless in the matter. The order which is indispensable to the conduct of their business cannot be restored in respect to the papers which are under their charge, unless they are authorised to employ a sufficient staff for the purpose of registration and of indexing, and to the restricted request for the authority necessary to enable them to procure this assistance they have not now for sixteen months been able to obtain the assent, or even the attention of the Treasury.

This protest brought a reply from the Treasury which countered the charge of delay by pointing out that the Fowler Committee had never been dissolved (although it had never met since the fall of the Gladstone Government), and that " the customary courtesy of interdepartmental correspondence requires that, if the aid of the Treasury by any other Department is invoked for the settlement by a Committee of important questions, the enquiry should not be discontinued without notice to, and consultation with, the Department so engaged in enquiry." However, the Treasury, while making this somewhat tart answer, nevertheless agreed to the increase that Pauncefote asked for in the Librarian's department. Thus the arrears of registration were overtaken.

The same Royal Commission which elicited Pauncefote's strongly expressed memorandum on the Library Department called for answers to various questions and received some interesting details of information from the Permanent Under-Secretary; one was that Lord Salisbury had introduced typewriting, although only on a small scale. " One lady typewriter is employed. It is proposed to extend the system when opportunity occurs."

The Foreign Office has always been distinguished by *esprit de corps*. In his memorandum for the Royal Commission Pauncefote, in adverting to his methods of dealing with the Foreign Office staff, was content to quote from a memorandum which the former Permanent Under-Secretary, Hammond, had written in 1861. Hammond is writing about the holidays of the Foreign Office staff: " Clerks have two months

leave. We are not, however, very particular as to occasional absences for a few days; we tax the Clerks at times very severely, and therefore we are not very strict in other matters. . . . The great object is to keep up a feeling of good fellowship among the Clerks themselves and zeal for the proper conduct of the business." The Foreign Office was something like a college. It had social and intellectual traditions. Its members were proud of its history, of its past and present work; they were jealous of its good name, they were partners in it, they shared in its success as well as its failures. There were seniors and juniors, greater and lesser officials, but they were all colleagues, carrying on a great work, passing on the tradition of service from one generation to another. This kindly, zealous atmosphere was fully maintained in Pauncefote's time.

Pauncefote's habits as Under-Secretary of State in conducting business did not vary much as compared with the earlier years when he was Assistant Under-Secretary; the difference was that he had more to do. When he was first appointed Permanent Under-Secretary in 1882 it was believed that by making certain readjustments in the business of the Office he would be able to do the duties of Legal Adviser as well as the other duties of his post. He carried this double load until 1886, when the burden proved insupportable, and accordingly the separate position of Legal Adviser was created. While, however, Pauncefote was relieved from the technical labour of drafting legal cases and opinions, he was responsible for the proper conduct of the legal business as of any other activity of the Foreign Office. Besides, any

relief obtained from the appointment of a Legal Adviser was probably more than counterbalanced by the practical withdrawal from administration of the Parliamentary Under-Secretary of State. In the information put before the Royal Commission of 1886 on Civil Establishments there occurs the following passage: "The exigencies of his parliamentary duties have for some years past rendered it impossible for the Parliamentary Under-Secretary to undertake any large share in the Departmental work of the Office. Of course he is carefully informed of all that is passing."

The working day began for the Permanent Under-Secretary with the arrival at his private house, 14 Cromwell Place, of the red dispatch-boxes. Any week-day morning about breakfast time the messengers could be seen sitting in the entrance hall, having just brought some boxes and waiting for others to be returned. Pauncefote spent the whole forenoon in reading the dispatches, sending off each boxful in turn to the Secretary of State, after he had read the contents and minuted his remarks upon them. Then about a quarter to two o'clock, having lunched at home, he would go down to the Foreign Office and remain there until 7 o'clock or later, according to the pressure of work at the time.

The many volumes in which Foreign Office papers are bound, and in which the activities of the Permanent Under-Secretary can be easily traced, present a picture of his incessant and responsible work. Much of it, naturally, was mere routine. The Under-Secretary signs a dispatch announcing to various embassies or legations the continuance in his post of

a certain officer as Naval Attaché to the Courts of the Maritime Powers. A British subject writes to ask if the permission of Her Majesty's Government is necessary before he can enter the service of a foreign state. Pauncefote replies that no licence is now required. The Royal Commission on the Blind requires information concerning blind persons on the Continent of Europe. Ambassadors and ministers are accordingly instructed to find and supply this information. A German called Ertel in Dresden writes to say that he has received one hundred marks enclosed in a letter written by another German in England but not giving any address. What should the recipient do with it? Evidently there has been some mistake. Someone minutes on the back of the letter: "Be thankful for your luck and spend the money without asking any questions." This is, however, too simple a solution. The Foreign Office therefore enters into communication with the General Post Office. The G.P.O. ascertains that the letter was sent to the gentleman Herr Ertel in Dresden by mistake, and would like to communicate with him. The Foreign Office, however, has to tell the G.P.O. that the honest Ertel himself gave no address; so he never can have had a reply to his question.

The Admiralty is sending a naval attaché to visit certain parts of the Mediterranean. It requests the Foreign Office to arrange through British diplomatic representatives abroad, for the attaché to have the necessary permits. The Admiralty would also like to have copies of the published naval budgets of certain Powers. Pauncefote therefore directs Her Majesty's representatives accredited to the courts of

these Powers to obtain and forward the copies. The Public Record Office wishes to discuss rules respecting the depositing of Foreign Office manuscripts and the showing of them to historians. Pauncefote writes to say that he will see an official of the P.R.O. if he will call at the Foreign Office between three and four o'clock. A long correspondence goes on with the P.R.O. on this important question of depositing and showing documents; the whole correspondence is carefully read, and annotated in Pauncefote's own hand.

The Archbishop of Canterbury writes a letter in which he asks for any Foreign Office observations on the proposed transference of episcopal jurisdiction over Madeira and the Canary Islands from the Bishop of Gibraltar to the Bishop of Sierra Leone. Pauncefote minutes on the letter: "Presume that Colonel Stanley (of the Colonial Office) doesn't object to the proposal." The Colonial Office replies that the transfer of jurisdiction will provide for the Bishop of Sierra Leone a healthful change of air.

A Manchester firm sends to the Foreign Office a copy of a book: *Index to the Police Forces of the British Empire.* Doubtless the firm wished the Foreign Office to purchase a copy for every Embassy. Pauncefote minutes on the back of the firm's letter: "Our diplomats do not communicate with the police. We may assume that the Home Office has received this publication also. Acknowledge and thank." M. Millot, a Frenchman, writes to the Foreign Office asking for *le catalogue de la chancellerie de votre maison en Angleterre*, and encloses two francs;

but " Sir J. Pauncefote is directed by the Earl of Rosebery " to inform M. Millot that he is not aware of any book answering this description, and suggests that he apply to a bookseller. The two francs are returned to M. Millot.

The Ordnance Survey requests the Foreign Office to forward eleven parcels of maps to the War Departments and General Staffs of various European States—a curious part of the routine of international courtesy. The War Office also asks the Foreign Office to obtain specimens of the types of rifles and a few rounds of ammunition for the Musketry Lecture Room at Hythe. No attempt is made to keep types of rifles secret; so Pauncefote minutes: " Instruct Her Majesty's representatives at Vienna, Rome, St. Petersburg, Paris, Cairo and Washington to procure what is asked for."

The Local Government and Home Office desire to know how the question of the repatriation of foreign paupers stands in international law. Pauncefote accordingly has a memorandum prepared on the subject. The Home Office forwards a petition from a Hungarian serving a term as a convict in England. The petition is in the Magyar tongue and requires translation. The Foreign Office has it translated for the Home Office. An address is going to be delivered by somebody in the House of Commons on deaf mutes; so the Government desires to have information concerning the condition of deaf mutes abroad. The Foreign Office has to supply this. A naturalised British subject who has been made by the King of Hawaii *chargé d'affaires* in London desires official recognition. Pauncefote drafts a letter on

the means by which a British subject can divest himself of his nationality.

The Admiralty announces that a Training Squadron is going for a cruise in the Mediterranean, and supplies a programme of the ports which are to be visited. Her Majesty's representatives at the ports have to be advised of these movements. The Committee of the Royal Artillery Institution begs the Foreign Office to forward to the French, Danish, Russian, Prussian, Netherland and Swiss Governments Volume XIII of the Minutes of the Proceedings of the R.A. Institution, Woolwich. Pauncefote directs: "Forward to the R.R. (*i.e.* Representatives of the foreign States) in London with compts." A Newport solicitor desires to obtain particulars of the total payments made out of the public purse, together with the rules governing private practice, of the legal advisers of the Governments of France, Germany, Austria and Italy. But Pauncefote minutes on this: "F.O. cannot undertake to supply."

A Christian soldier in the Ottoman army has died without the ministrations of a priest owing to neglect of the military authorities. Pauncefote approves action of the British diplomatic representative in calling the attention of the Porte to this circumstance with a view to preventing such a thing happening in the future. The same representative is instructed to remonstrate with the Vali of Smyrna for having refused to allow a volley to be fired over the graves of two British marines. A colporteur of the British and Foreign Bible Society has been arrested by the Vali of Scutari. A remonstrance has to be made to the Porte. A Fellow of an Oxford College desires to

travel in Asia Minor for the purpose of studying the antiquities there and of making drawings of them. The Foreign Office undertakes to support the application to the Government of Turkey. A representation is made to the Porte on behalf of some Christians of Old Syria who are imprisoned without trial on a charge of alleged conspiracy. The German Government requests that Her Majesty's Consul-General at Bagdad will take charge of the interests of German subjects there, as there is no German representative. The Secretary of State for Foreign Affairs " has great pleasure in acceding to the wishes of the German Government in this matter."

The above are fair samples of the sort of routine business that fell to Pauncefote to transact at the Foreign Office from day to day. None of the items was in itself of extraordinary importance. Cumulatively, on the manner in which they were dealt with, depended the smooth working of normal British foreign relations. Punctuality, courtesy, clear-thinking and decision were the necessary elements of the proper working of the routine machinery.

Throughout the whole of Pauncefote's time as Under-Secretary of State there were big things as well as little to be done. The Egyptian question remained in all its baffling international delicacy until at any rate 1889. The Eastern question was always troublesome. The affairs of the Pacific Islands raised some very complicated problems with regard to Germany. The Newfoundland Fishery question gently but persistently irritated the surface of Franco-British relations.

The deplorable conditions of Turkish administra-

tion provided continuous work of something more than a mere routine nature for the Foreign Office. Whenever any special scandal occurred, or simply whenever any sort of opportunity seemed to arise, the Foreign Office would draft a dispatch to be submitted by the British Ambassador at Constantinople to the Porte, concerning the condition of the population in Macedonia, Crete, Syria or Armenia. The dispatch would allude to Article 61 or 23 of the Treaty of Berlin: it would be a weighty dispatch, serious, courteous, convincing. It would point out that Great Britain's obligation to defend the Sultan's dominions in Asia Minor was conditional on the Sultan's carrying out reforms in his administration. On one such despatch, prepared with great care in the Eastern Department of the Foreign Office, Pauncefote minutes: "This is a capital draft, though I fear it won't stir up the Sultan." The same dispatch is marked as "seen by Mr. Gladstone and the Queen." According to Lord Grey it was because the Foreign Office took every opportunity of urging the Sultan not to maltreat his Christian subjects that the Sultan turned with relief to the German Government which never "bothered" him in these matters.

Such dispatches were not composed lightheartedly by the Foreign Office. Every word was weighed and the dispatch passed through several stages and was seen and commented upon by several responsible people before it was issued. The particular dispatch to Turkey just referred to seems to have originated in a letter written from Walmer Castle by Lord Granville, at that time Secretary of State for Foreign Affairs, to Pauncefote at the

Foreign Office. In this letter Lord Granville orders a dispatch to be drafted, and indicates what the substance is to be. The next stage is the collecting of all the data : a table of extracts from memoranda, minutes of former officials, articles of treaties bearing on the subject, is prepared. The third stage is the sketching out of a rough draft in pencil by a high official in the Eastern Department. The rough draft is next written out in good style, and is read and commented upon by Pauncefote, by Lord Granville and by the Parliamentary Under-Secretary of State. The final stage is a revised and finished draft which is submitted to the Prime Minister and lastly to the Sovereign.

The business of the Foreign Office is incessant, requires the closest attention, and only proceeds without mistakes, the consequences of which are incalculable, when neither labour nor brain-power is spared. It allowed Pauncefote little time for relaxation. "Dining out" was almost the only social amenity in which he found leisure to take part. In this way he kept in touch with his many friends outside, as well as inside, the official circle. He was a member of Arthur's Club and the Wellington, but went to either only occasionally. Music continued to be a great source of enjoyment to him ; this, and devoting a restful Sunday at home or in the country to his children varied the otherwise unbroken labour of his working week during these years.

CHAPTER VIII

EGYPT AND THE SUEZ CANAL, I

The strength of Pauncefote in the Foreign Office lay in his unique combination of knowledge in international law as well as experience in diplomacy. His grasp of these two things was to be tested particularly by the intricate affairs of international canals—when he was in the Foreign Office it was the question of the Suez Canal which absorbed most of his energy, just as when he was ambassador at Washington it was the Panama Canal. Indeed he was dealing with waterways throughout all his diplomatic life—the Suez and the Panama canals, the Danube and Congo rivers. To have helped either to create or to maintain the international régime of these waterways is a noble legacy of service for mankind.

The Suez Canal was begun in 1859, and was opened to traffic in 1869. It was constructed by the Suez Canal Company, a French corporation, in which the directing spirit was Count Ferdinand de Lesseps. The Company made the Canal under concessions granted by the Viceroy Said of Egypt. By the terms of these concessions the dues charged in the canal were to be equal for all nations using it, and it was to be always open as a neutral passage to ships of commerce. The capital of the Suez Canal Company was equal to £8 million, and the concession was

(and is) to endure for ninety-nine years from the year 1869, after which period it lapses to the Government of Egypt. In 1875 the Khedive Ismail whom extravagance and a too lively interest in public works had made heavily indebted, sold for £3,976,582 the shares in his possession, 176,602 in number, to the British Government, then under the Prime Ministry of Lord Beaconsfield. This holding of shares gave to the British Government two-fifths of the total voting power of the shareholders. The British Government was, therefore, not in a position to control the Suez Canal Company although deeply interested in it, as British ships were the greatest users of the canal. Politically, the British Government was interested in the canal as offering the shortest route to India. Consequently when the administrative and social conditions in Egypt became very disturbed and rebels against the Egyptian Government threatened the safety of the canal, the British Government became more deeply interested than ever.

The process of events which connected the fortunes of Great Britain and Egypt so intimately may be said to have begun in 1841 when the Sultan of Turkey, the British Government, and the other four Great Powers recognised the hereditary pashalik of Egypt as residing in the family of Mehemet Ali, the Viceroy of Egypt under Turkey. As time went on the degree of independence of Egypt from Turkey increased. In 1872 a firman of the Sultan authorised the ruler of Egypt, whose title by this time had been changed from Pasha to Khedive, to contract loans without permission from the Porte. In 1873 the

Khedive was further authorised to keep an army and navy—privileges which he had long ago exercised.

For years foreign influence had been extended in Egypt. The vast public debts contracted by the Khedive Ismail, owed chiefly although by no means entirely, to French and English investors, could not do otherwise than give rise to some foreign influence in Egypt. In the domain of justice foreigners acquired a degree of extra-territorial power through their consular courts. Owing to the defectiveness of the native Egyptian courts the consuls of foreign Powers had for long, under the Turkish "capitulations," exercised jurisdiction in many cases over their own nationals. Between 1869 and 1873 conferences were held at Cairo and Constantinople and finally an arrangement was made among the interested Powers and also Turkey and Egypt. The result was an agreement establishing Mixed Courts (1876), in which the judges are foreign and Egyptian, the foreign judges being the majority. These courts try all civil cases among foreigners or between foreigners and natives, and were an immense improvement on the old consular courts. The constructing, leasing and operating of the Suez Canal by a French company further increased the number as well as influence of foreigners, and all the more when in 1875 the Khedive sold his shares to the British Government.

In 1876, the same year as the Mixed Courts began to exercise their functions, the Khedive was unable to pay the interest of the May coupon due from the Public Debt. This led to the Khedive admitting Dual Control in finance; an Englishman was to

superintend the receipt of revenue and a Frenchman was to superintend the expenditure. Both these men were to be officials of the Egyptian Government (1877). A Caisse de la Dette or Treasury of the Public Debt was also established,[1] one of the members or commissioners of the Caisse being an Englishman; the others were French, Austrian and Italian. The Caisse had authority to sue the Egyptian Government before the Mixed Courts.

In 1878 Ismail adopted the system of constitutional monarchy, under the direction of Nubar Pasha, the Egyptian statesman, author of the system of Mixed Courts. Ismail also took the two high foreign officials of the Dual Control into his Ministry; then he suddenly dismissed them along with Nubar. The finances of Egypt were now in chaos. In 1879 the Sultan of Turkey was induced to send a telegram deposing Ismail in favour of his son Tewfik.

In 1882 there occurred a meeting or rising among the Arab officers of the Egyptian army who complained of the influence of Turks and Europeans. Danger to foreigners brought the British and French fleets to Alexandria in May. In June a large number of foreigners were murdered. Yet, M. de Freycinet, the French Premier who had succeeded Gambetta (the champion of Anglo-French agreement), hesitated to take action, and finally withdrew the French fleet. On July 11 the British fleet bombarded the forts of Alexandria. The riots spread, and the British Government believed that the security of the Suez

[1] In 1876. The British Commissioner in the Caisse de la Dette (E. Baring, afterwards Lord Cromer) was not appointed until 1877.

Canal was endangered. Lord Granville was now of opinion that Great Britain should intervene along with France and Italy to protect the Canal. Gambetta warmly seconded this plan in the French Chamber. M. de Freycinet, although not enthusiastic, would have undertaken a limited amount of intervention, but he was defeated in the Chamber and had to resign. A Conference of Ambassadors was sitting at Constantinople and was taking steps to authorise Great Britain, France and Italy to intervene in Egypt; but the French Government would not agree. Italy also refused. So Great Britain acted alone. On August 9, General Wolseley and his troops landed at Port Said. Arabi's rebellion was put down and the authority of the Khedive Tewfik made secure. The British Government did not intend that the British troops should be a permanent garrison, but owing to various circumstances their stay was prolonged indefinitely.

The position of the British Government in Egypt at this time was undoubtedly made easier and the task of the Foreign Office was lightened by the goodwill which Bismarck showed. In 1882 his elder son, Herbert, a hero of the battle of Mars-la-Tour, paid a visit to London, moved about in English society, showered messages of goodwill from his father, and returned to Berlin in high good humour with English hospitality. Pauncefote was naturally much interested in this visit. Herbert Bismarck came back to London as Councillor to the German Embassy. He was a bluff, jovial man with strong sense, "a chip of the old block," wrote Dilke; "not a bad sort of brute with a great deal of

humour of a rough kind."[1] The goodwill of the German chancellor was welcome to the British Government in 1882 and 1883. Indeed, throughout Pauncefote's time at the Foreign Office, Anglo-German relations were good. The German Government was distinctly friendly. Later, the atmosphere altered, so that at Washington Pauncefote once remarked: "Germany seems to have changed her character."

Meanwhile the affairs of the Suez Canal cried out for settlement, at any rate in the ears of the Foreign Office. The Canal had just escaped a great danger. It might have been destroyed or greatly injured in the course of the Arabi troubles; and its position with regard to the Law of Nations was indefinite. Great Britain had intervened with troops in order to keep the great waterway open. But no international statute said that the Canal should be open. M. de Lesseps, who was still the most influential man on the Canal board, was doing everything he could "to spite the English" (to quote words which Lord Granville believed Lesseps to have used). "The old rogue is playing us tricks," wrote Lord Granville to Lord Spencer during the crisis of 1882.[2] At the end of the year, when he sent Lord Dufferin to Constantinople as Ambassador, Lord Granville wrote: "One of the most difficult questions with which we have to deal and one which must not be shirked, is the possibility of the Suez Canal being used on some future occasion in the same way as Lesseps tried to use it the other day."[3]

[1] Gwynn and Tuckwell, *The Life of Sir Charles Dilke*, i. 342.

[2] Fitzmaurice, *The Life of Lord Granville*, ii. 272.

[3] *Ibid.* ii. 305.

A dispatch signed by Lord Granville, and dated January 3, 1883, went out from the Foreign Office to the British representatives at the great capitals of Europe. It stated that one result of the recent occurrences had been to call special attention to the Suez Canal, firstly, on account of the danger with which it was threatened during the Arabi insurrection, secondly, in consequence of its occupation by the British forces in the name of the Khedive; and thirdly, "because of the attitude assumed by the Direction and officers of the Canal Company at a critical period of the campaign." The embarrassments raised by these events could best be liquidated, in the view of the Foreign Office, by an agreement to be negotiated among the Great Powers. This agreement should take the following lines:

That the Canal should be free for the passage of all ships, in any circumstances.

That in time of war a limitation of time as to ships of war of a belligerent remaining in the Canal should be fixed, and that no troops or munitions of war should be disembarked in the Canal.

That no hostilities should take place in the Canal or its approaches, or elsewhere in the territorial waters of Egypt.

That neither of the two immediately foregoing conditions shall apply to measures which may be necessary for the defence of Egypt.

(Here were some less important conditions); next

That no fortifications should be erected in the Canal or its vicinity.[1]

Before any further steps could be taken to make

[1] *Parliamentary Papers*, 1884-85, lxxxix. p. 343.

an international statute for the Canal, the influence of Great Britain in Egypt had been further strengthened by the abolition of the Dual Control, that is, the advisory position of a French and British financial official. The Dual Control was suppressed by decree of the Khedive in 1883. The view of the Foreign Office was that a single European official should be established in the Egyptian Government as Financial Adviser. "An invitation was given by Lord Granville to France to nominate a candidate for the office of Financial Adviser, but the answer was a protest that the Dual Control could only be abolished by the consent of all the parties concerned."[1] An Englishman, Sir Auckland Colvin, was thereupon nominated as Financial Adviser.

The international situation was very unfavourable to the Foreign Office's hopes of a settlement of the Egyptian and Canal questions. The French Government was embittered against England, and clashes occurred between French and British officials in the colonies. Fortunately Germany continued to be friendly. Bismarck approved of the abolition of the Dual Control in Egypt, "partly because it terminated the dangers of a *condominium*, partly because it was an act of vigour."[2] When the Prince of Wales visited Berlin in 1883 Bismarck expressed "an earnest hope that Her Majesty's Government would not withdraw the troops from Egypt 'before safety and stability could be guaranteed by England to Europe.'"[3]

The Egyptian question was making bad blood between the British and French peoples. Yet the

[1] Fitzmaurice, *The Life of Lord Granville*, ii. 308. [2] *Ibid.*
[3] *Ibid.* ii. p. 317.

correspondence which went on in 1884 between Lord Granville and M. Waddington (French Ambassador at London) showed "that the mutual distrust which animated the press on both sides of the channel was not shared by the diplomatists engaged." [1] Lord Granville stated his readiness to give a pledge that the British troops would quit Egypt in 1888, "provided that the Powers are then of opinion that such withdrawal can then take place without risk to peace and order." The French Government took note of this pledge; but when the year 1888 came, no common expression among the Powers called for England to evacuate; indeed, by this time, England was the only effective guarantee that the international obligations of Egypt towards the Powers would be carried out.

In order to clear the Egyptian situation in the meantime an international conference on Egyptian finance met at London from June 28 to August 2, 1884. It was a Conference of Ambassadors, with Lord Granville acting as President. On Pauncefote as Permanent Under-Secretary of State for Foreign Affairs (since September 23, 1882) fell a great part of the burden of this Conference, although he was not a delegate. After seven sessions had not enabled the delegates to find a solution to the complex problems of Egyptian finance, especially the public debt, the Conference dissolved in some heat. The cordiality of the Foreign Office and the Continental Governments was, for a time at least, submerged. Even the German Government was estranged; the attitude of Count Münster, German Ambassador, at the London

[1] *Annual Register*, 1884, p. 75.

Conference was openly unfriendly to Lord Granville's policy.

The Suez Canal question was mixed up with the wider question of Egypt—her international status, her finances and financial obligations, her relation to Great Britain. Yet however closely connected the Suez Canal question was to the Egyptian, it could be treated separately and settled in isolation. It is a maxim of statesmanship that any problem which can be solved should be solved, without waiting to settle other, even closely related, problems. M. Waddington expressed this principle when he himself proposed to Lord Granville a conference with a view to a guarantee of free passage through the Canal to all the Powers. "The examination of this great European problem," wrote M. Waddington on January 17, 1885, "might be undertaken at once, without awaiting the issue of the proposed enquiry into the (Egyptian) financial situation." [1]

After a good deal of trouble between the Foreign Office and the *Ministère des Affaires étrangères*, an agreement was reached that a Commission respecting the Suez Canal, based on the principles laid down in Lord Granville's dispatch of January 3, 1883, should meet at the end of March. Originally M. Jules Ferry, French Premier, had consented that the Commission should be held in London. The French Government, however, thought better of this. M. Waddington, the French Ambassador, although he had been at school at Rugby, had rowed in the Cambridge boat, and had taken a first class in the Classical Tripos, was a very tenacious defender of French interests; and

[1] *Parliamentary Papers*, 1884-85, lxxxix. 352.

after a good deal of conversation with Lord Granville, he obtained the concession which he desired; the Commission was to be held in Paris. As soon as it became known throughout Europe that a Commission was to meet, the Netherlands and Spain requested to be represented. The request was assented to. No sooner did the Portuguese Government learn that Spain was to be represented, than it sent in a request (through the Portuguese Minister in London) for Portugal to have a place too. Hot on the heels of the Portuguese Minister came the Greek Minister up the steps of the Foreign Office. Sweden almost immediately followed suit. The British Government raised no objection to these applications, but the French Government said that a line must be drawn somewhere; eventually, only representatives of the Great Powers, and Spain, the Netherlands, Turkey and Egypt, took part in the Commission of Paris. On March 25, 1885, Lord Granville notified Lord Lyons, British Ambassador at Paris, that the British delegates would be Sir Julian Pauncefote, the Permanent Under-Secretary at the Foreign Office, and Sir Charles Rivers Wilson, Controller-General of the National Debt Office.

The importance attached to the Conference by the British Government is sufficiently indicated by the choice of its representatives. Sir Charles Rivers Wilson, who was born in 1831 and who lived until 1916, was one of the most experienced of financial officials. He had been private secretary to the Chancellor of the Exchequer, Robert Lowe, from 1868 to 1873; and from 1874 he was at the head of the office for the reduction of the National Debt. For some

time he had been relieved from his duties in this office, in order that he might go to Egypt, with a view to straightening out the chaos of Egyptian finances. In 1879 he was Finance Minister in Nubar Pasha's Ministry. Later he was President of the Egyptian Caisse de la Dette. His appointment on the Canal Commission was suitable from every point of view. Pauncefote's appointment was more remarkable. The Permanent Under-Secretary is a very powerful personage in the Foreign Office and indispensable to the Secretary of State. It is not often that he can be spared to go abroad. The advantages for his Government which he carried with him to Paris were his eminent position, his knowledge of international law, his skill in French, his quiet, sensible manner and straightforward method of diplomacy.

The British delegates travelled to Paris in the last days of March. Pauncefote was accompanied by his wife. The sessions of the Commission were opened at the Ministry of Foreign Affairs on March 30 (1885) by M. Jules Ferry, French Premier. On Pauncefote's motion, M. Billot, Political Director at the Ministry of Foreign Affairs, was elected President of the Commission. Two Secretaries were appointed—M. Cogordan, an official of Ministry of Foreign Affairs, and the Hon. Francis Villiers of the Foreign Office, who was afterwards British Minister at Brussels.

After the first session the French delegates presented a Suez Canal convention which they had drafted in anticipation of the meeting of the Commission and which they now submitted for approval. Pauncefote read it and at once reported to Lord

Granville that the French project differed very materially from the provisions of the British circular dispatch of January 3, 1883, on the terms of which the British Government had agreed to the setting up of the Commission. Lord Granville at once telegraphed that Pauncefote should communicate through Lord Lyons, British Ambassador at Paris, directly with the French Premier concerning the project of a Convention (April 1, 1885). Unfortunately just at this moment there was a crisis in the French Government (caused by news of the retreat of some French troops in Tonkin) and M. Ferry had to resign. M. de Freycinet tried but failed to form a Ministry. The days slipped by and the sub-Commission of the Commission which was to consider the French draft was due to meet on April 6. So for the time being Pauncefote had to give up all idea of settling the matter directly with the French Government. At last M. Brisson, a little known French statesman, formed a Ministry on April 6.

The French draft Convention had envisaged protection of the Canal by means of an international Commission assisted by warships of the Powers.[1] Such interference was against the conditions laid down in Lord Granville's circular of January 3, 1883, according to which the defence of the Canal was apparently to be the affair of Egypt; this, in effect, meant that Great Britain, as the occupying Power, would alone take charge of the defence of the Canal.

It was not merely with regard to the Canal that the French Government desired, not without reason, to use the Commission in order to limit the control of

[1] See *Projet de Traité* in *Parliamentary Papers*, 1884-85, lxxxix. 422-3.

Great Britain; it also wished to extend the view or reference of the Commission over the Egyptian Question. Such a design was, of course, quite outside the four corners of Lord Granville's famous circular; but as Lord Lyons wrote when all was over: "It has required great tact and firmness on Pauncefote's part to have resisted the endeavours to turn the Commission into a political conference on the whole Egyptian Question, and at the same time to have avoided breaking it up prematurely." [1]

The bulk of the business was done in the sub-commission which sat through April and May. Every point in the Convention which would be ultimately adopted had to be carefully discussed. In particular the use of the difficult word "neutrality" had, according to Lord Granville's instructions to the British delegates, to be avoided. The feelings of Turkey, whose delegate, General Husny Pasha, was quick to defend the Porte's theoretical sovereignty, required to be considered; and all the ambitions and regrets of the French, entrenched in their own capital, fortified by a strong public opinion and an insistent press, had to be assuaged.

A curious incident occurred at the session of the sub-Commission on April 17. M. Barrère, one of the French delegates, in order to support a clause of the project of convention as drafted by the French, cited an article, "the authority of which," he said, "Sir Julian Pauncefote will recognise." [2] He then proceeded to read Article 1 of the Clayton-Bulwer Treaty of April 19, 1850, negotiated by the Govern-

[1] Lord Newton, *Lord Lyons* (1913), ii. 352-353.

[2] *Procès-Verbaux* in *Parliamentary Papers*, 1884-85, lxxxix. 452.

ments of Great Britain and the United States respecting a ship-canal to be made across Central America. It was precisely this treaty which Pauncefote was later to have so much to do with when, as British Ambassador to the United States, he had to negotiate a new canal treaty for the Panama project.

After the sub-Commission had thrashed out an agreed draft, the full Commission resumed its labours, which terminated on June 13 During the period of the Commission there was a good deal of Anglophobia shown in Paris. This was obscured, however, towards the end, by the death of Victor Hugo (May 22, 1885), and the impressive funeral which absorbed public attention. Moreover on June 12 the Gladstone Government was defeated in the House of Commons and resigned. The new Prime Minister, Lord Salisbury, was more congenial to the French at the time, so when the Suez Canal Commission ended and Pauncefote and Rivers Wilson returned with the final draft-convention to Whitehall, the international atmosphere was decidedly good.

Pauncefote always enjoyed Paris. He was extremely fond of music, and especially of grand opera, a taste which could be indulged better at the French capital than probably anywhere else. The labour of the Commission, too, had been interesting though arduous. His perfect knowledge of French, his complete equipment in international law, combined with an unlawyer-like elasticity, his moderation and straightforwardness, all made him excellent for dealing with the French delegates. During the meetings of the sub-Commission the eminent and

aged Lesseps, the maker of the Suez Canal, had been brought in for evidence and examination. The distinguished-looking, white-haired count had spoken, in spite of his eighty years, with vigour, knowledge and precision. The draft treaty which Pauncefote brought away did not incorporate all the British view ; but it was a good convention, for it included enough give-and-take to ensure substantial agreement on it by all parties.

Throughout the discussions at Paris the task of the British delegates had been hard and exacting, as they met with no support on the Commission except from the Italian delegates. M. Barrère of France, at the close of the last session of the Commission, alluding to the " differences of opinion " which arose so often between the British delegates and the majority of the Commission, said : " M. Barrère believes that he is speaking for his colleagues when he says to Sir Julian Pauncefote and Sir C. Rivers Wilson that they have defended their opinions with exemplary moderation and courtesy." [1]

[1] *Parliamentary Papers*, 1884-85, lxxxix. 308.

CHAPTER IX

EGYPT AND THE SUEZ CANAL, II

Pauncefote came back from Paris to his desk in the Foreign Office in June 1885 with a satisfactory draft-convention for the Suez Canal; but some years were still to pass before the draft, or something like it, was put into a definite treaty. The Egyptian question was also calling for settlement; yet it, too, continued in the provisional condition although determined steps were taken to reach a definite conclusion.

While the Suez Canal question was still in suspense the Egyptian question just failed to be settled. Lord Salisbury, who was Secretary of State for Foreign Affairs in his own Cabinet, resolved to send Sir Henry Drummond Wolff to Constantinople. Wolff's father was Joseph Wolff, a remarkable German Jew who had been converted to the Church of England, became a missionary, and married a daughter of Horace Walpole. The young Henry Drummond Wolff received a good education at Rugby and abroad where he studied foreign languages. He then entered the Foreign Office, being placed on the permanent staff in 1849. In 1852 he was sent in a minor position to the British Legation at Florence. Thus began a diplomatic career which took Wolff to Constantinople, Cairo, Bucharest and Madrid on

great missions, and occasionally to most of the other European capitals. He was, like his father, the missionary, a restless, enthusiastic traveller, with a brain ceaselessly working, subtle, active, keen. He had a vital interest in all aspects of public affairs, he was skilled in diplomacy, was an ardent party politician, was endlessly hospitable, had hosts of friends, conversed brilliantly. The friend particularly of Lord Randolph Churchill, of A. J. Balfour, and of Sir John Gorst, he had been one of a famous "fourth party" in the parliament of 1880-85, which had caused almost as much trouble to its own side, the Conservative opposition, as to Mr. Gladstone's Liberal Government. He had carried ingenuity, party-enterprise and imagination so far as to found the unexpectedly successful Primrose League in 1883. He had dabbled in international finance, had brought about an important "conversion scheme" for part of the Ottoman public debt, and had held with Goschen a great enquiry into the bewildering complexities of Egyptian finance. He had served on the Eastern Rumelian Commission which put into effect important parts of the Treaty of Berlin of 1878. Indeed he knew every corner of Europe, and also most of the men who counted for anything. There was almost no important question of foreign affairs of the last thirty years in which he had not had a hand. Even the Franco-Prussian War could not exclude his restless activity, for he visited the battlefields ere fighting was over and once at least came under fire of the belligerents' artillery. Such was the man whom Lord Salisbury sent to Constantinople, fortified by Pauncefote with much information on the inter-

national legal aspects of his problem, which he now hoped to solve.

Before he went out to Constantinople Wolff met M. Waddington, French Ambassador to the Court of St. James, at London. France, said Waddington, was opposed to a Turkish occupation of Egypt; so, if the British left the country, "we might take it for granted" (said the candid Ambassador) "France would go there at once."[1] The Continental Powers (even including France) were quite favourable to the British occupation, which was an effective guarantee for the maintenance of the special rights of their nationals. On the other hand Turkey had not recognised the British occupation. The object of Wolff's mission to Constantinople in 1885 was to secure this recognition as well as to arrange for the eventual withdrawal of British troops. But the arrangement for withdrawal was to be conditioned by a right of British re-entry in case of necessity[2]—that is to say, if intervention was again required in Egypt, as in 1882, it must not be undertaken by a Continental Power. Great Britain could not afford to see the great maritime route between Europe and Asia in the control of any of the Great Powers.

The position of Great Britain in Egypt, down to the declaration of a protectorate on December 19, 1914, after the outbreak of war with Turkey, has often been described as something irregular in international law. This description is not justified, for the position of Great Britain was recognised by the Sultan, in a treaty which had the approval of the

[1] Wolff, *Rambling Recollections*, ii. 276.

[2] *Ibid.* ii. 286.

Powers.[1] This treaty or convention was concluded by Drummond Wolff and Said Pasha at Constantinople on October 24, 1885. The Sultan recognised the existing British occupation of Egypt; and steps were to be taken to bring the occupation to an end:

Article 1.—Her Britannic Majesty and His Imperial Majesty the Sultan will respectively send a High Commissioner to Egypt.

Article 6.—So soon as the two High Commissioners shall have established that the security of the frontiers and the good working and stability of the Egyptian Government are assured, they shall present a report to their respective Governments, who will consult as to the conclusion of a Convention regulating the withdrawal of the British troops from Egypt in a convenient period.[2]

In accordance with this Convention Sir Henry Drummond Wolff proceeded at the end of October 1885 from Constantinople to Cairo. Arriving there and meeting, apparently, a good reception, Wolff showed the Constantinople Convention to Nubar Pasha, the Prime Minister of the Khedive. Nubar said that the Convention was the title-deed of the British occupation. A little later the Turkish High Commissioner, appointed in accordance with the Constantinople Convention, also arrived. This was Moukhtar Pasha. The British and Turkish High Commissioners soon established good relations among themselves. Moukhtar presented Wolff with a book on mathematics written by himself. Wolff sent it to Jowett, the Master of Balliol, who was then also Vice-Chancellor of the University of Oxford, asking him to find out something about its contents.

[1] Wolff, *Rambling Recollections*, ii. 288.

[2] *Parliamentary Papers*, 1886, lxxiv. 37-39

Jowett, however, replied that he could do nothing, for such of the Oxford scholars as knew Turkish (if there were any) were not mathematicians ; and none of the mathematicians knew any Turkish. Wolff did his best to obtain for Moukhtar the honour of election as a Fellow of the Royal Society ; he found, however, that this was impossible. Nevertheless the relations between him and his Turkish colleague continued to be excellent. They made their several investigations, held conferences, and drafted their proposals. Matters proceeded very slowly. Fortunately no time-limit for the British evacuation of Egypt had been laid down in the Constantinople Convention ; so the dragging out of the negotiations did not jeopardise the chances of final success for the proposed new Convention, which Wolff and Moukhtar had then under discussion. At last in November 1886, Wolff returned to England to consult regarding the final details with the Foreign Office. Naturally, there was much to be talked over. Wolff in his *Rambling Recollections* testifies to the help which he received in these difficult and delicate matters concerning Egypt, Turkey and the Sudan from Pauncefote, as well as from two other men, Sir Thomas Sanderson of the Foreign Office (later Lord Sanderson), and R. E. Welby of the Treasury, later Lord Welby.

In January 1887 Wolff was back at Constantinople once more. Further meetings took place—with Kiamil Pasha the Grand Vizier, with Said Pasha, who had signed the Convention of 1885, with the Ambassadors of the Powers, finally with the Sultan himself. According to Wolff's report, the Sultan's

great wish with regard to Egypt was "the maintenance of his sovereign rights; while for Great Britain he desired the security of her access to her Eastern possessions. He also wished to see a state of things established that should guard Egypt against foreign invasion." Only one minister raised an objection to what Wolff called "the principal stipulation in the draft—that of the return of the British troops in case of disorder." The British Ambassador, Sir William Arthur White, who was an excellent diplomatist and a specialist in the Eastern Question, was naturally of great assistance to Wolff; the Austrian and German Ambassadors also strongly supported the British Mission.[1] At last on May 22, 1887, the Convention regulating the British Occupation of Egypt and the conditions of withdrawal were signed.

This famous act stipulated that the British Occupation should terminate at the expiration of three years from the date of the Convention. On the withdrawal of the British troops Egypt was to enjoy "territorial immunity" (a paraphrase for the word neutrality, to which the Sultan objected). After the ratification of the Convention, the Great Powers were to be invited to sign an act guaranteeing the inviolability of Egyptian territory. By this Act, no Power was to have the right, in any circumstances, of landing troops in Egypt, except Turkey or Great Britain, each of which states could do so, if there were danger of invasion, or if it was necessary to secure internal order.

The Convention was to come into force after

[1] Wolff, *Rambling Recollections*, ii. 317

ratification. The Sultan, however, changed his mind and refused to ratify. This decision, or rather lack of decision, of the Sultan is stated by Wolff to have been due to "the attitude of some of the Great Powers." Even if the Sultan had ratified the Convention, the refusal of any Great Power to adhere to it would itself have constituted that "danger from without," which could have caused the continuance or re-entry of the British Army of Occupation. Russia was opposed to the Convention and would probably have refused her adhesion.[1] The French Government also objected to the right of re-entry. The ratifications of the Convention were to be exchanged within a month of the signature. The Porte begged for more time, and an extension of about three weeks was granted. At the end of this period, the Sultan asked for still more time, but Wolff said that he could wait no longer. So he left Constantinople. The Convention by which Great Britain was to leave Egypt therefore never became law.

The Foreign Office would have preferred a more regular treaty-position for Egypt; but Pauncefote could at any rate feel that the best had been made of a difficult situation. The British Government had laboured earnestly to conclude an evacuation-convention; it had actually succeeded only in negotiating a treaty with the Sultan recognising the existing day-to-day or year-to-year occupation. With regard to the Suez Canal something more definite was achieved.

When Pauncefote went to the Paris Commission

[1] Cromer, *Modern Egypt* (1908), ii. 378.

in 1885 he had been instructed to avoid in all protocols or conventions the official use of the word neutrality, because it was essential that Great Britain should have the facility of sending ships of war through the Canal. Pauncefote had maintained this view successfully at Paris. He had also averted or defeated all suggestions for the putting of the defence of the Canal in the hands of an international commission. The word neutrality could not be absolutely avoided in the discussions concerning the Suez Canal which took place between 1883 and 1885 ; but Pauncefote's view was accepted that the word " had reference only to the neutrality which attaches by international law to the territorial waters of a neutral state in which a right of innocent passage for belligerent vessels exists, but no right to commit any act of hostility." [1]

Negotiations concerning the Canal were conducted by Sir Henry Drummond Wolff at Constantinople concurrently with his negotiations on the Egyptian Question in 1887. Finally the ambassadors of the Powers and Said Pasha, the Turkish Minister of Foreign Affairs, did succeed in concluding a Canal Convention, which adequately met the views of the Powers ; it also embodied substantially the views for which Pauncefote and Rivers Wilson had contended at the Paris Commission in 1885. This Canal Act, dated Constantinople, October 29, 1888, states in Article 1 : " The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag. Consequently the High

[1] Cromer, *Modern Egypt*, ii. 385.

Contracting Parties agree not in any way to interfere with the free use of the Canal, in time of war as in time of peace. The Canal shall never be subjected to the exercise of the right of blockade."

It is clear from the language of this article that the Suez Canal has a very special position among international waterways. It is absolutely open, without any restrictions whatever, for the passage of ships of commerce or of war, and equally during time of war as in time of peace. Article 4 supplements article 1 by enacting : " The Maritime Canal remaining open in time of war as a free passage, even to the ships of war of belligerents, . . . the High Contracting Parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the Canal, shall be committed within the Canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent Powers."

Vessels of war in passing through the Canal are bound to use the least possible delay ; and their stay in Port Said or in the roadstead of Suez must not exceed twenty-four hours except in case of distress. An interval of twenty-four hours must elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile Power (Article 4). In time of war belligerents must not disembark or embark within the Canal and its ports of access either troops, munitions or materials of war (Article 5). The Agents of the Signatory Powers are charged with

watching over the execution of the Convention. The actual measures for ensuring the execution are to be undertaken by the Government of Egypt (Articles 8, 9). The restrictions concerning the landing of troops and munitions, and the keeping of warships in the Canal, were not to apply in respect of measures which Turkey or Egypt should find it necessary to take for the defence of Egypt or for the maintenance of order; but in no case must the free use of the Canal be interfered with (Articles 10, 11).

The ground principle underlying the whole Convention is stated in 12: "The High Contracting Parties, by application of the principle of equality as regards the free use of the Canal, a principle which forms one of the bases of the present Treaty, agree that none of them shall endeavour to obtain with respect to the Canal territorial or commercial advantages or privileges in any international arrangements, which may be concluded." Finally the stipulations of the Canal Treaty are not limited by the duration of the concession of the Suez Canal Company; they are perpetual.

At the close of the sittings of the Suez Canal Commission in 1885 (the results of whose labours were embodied in the final Convention of 1888) Pauncefote had handed in a note containing a restrictive condition. This was "a general reserve with regard to the application of those dispositions in so far as they may not be compatible with the transitory and exceptional state in which Egypt actually is, and which cannot curtail the liberty of action of their (Her Majesty's) Government during

the period of the occupation of Egypt by the forces of Her Britannic Majesty." [1]

This reserve on the part of Great Britain was tacitly accepted by the other Powers and was construed by the British Government (without protest from the Powers) to extend over the Constantinople (Suez Canal) Convention of 1888. The Convention therefore remained in abeyance. In 1898 (July 12) the question was asked in the House of Commons whether the Suez Canal Convention was then in existence. The answer was given officially. "The Convention is certainly in existence; but . . . has not been brought into practical operation." Nevertheless during the Spanish-American War of that year, a Spanish squadron was permitted by the British authorities to pass through the Canal and to return.

In 1904, in the Conventions which composed the Franco-British Entente, the British reserve regarding the Suez Canal was withdrawn. The Convention of 1888 accordingly entered into force (except for two of its stipulations of which the chief was that forbidding a blockade).[2] Russian warships were able freely to use the Canal on the voyage to the Far East during the Russo-Japanese War.

The Suez Canal Convention embodied the views concerning international waterways which Pauncefote had advocated in regard to the Danube, the

[1] Une réserve générale quant à l'application de ces dispositions en tant qu'elles ne seraient pas compatibles avec l'état transitoire et exceptionnel où se trouve actuellement l'Égypte, et qu'elles pourraient entraver la liberté d'action de leur Governement pendant la période de l'occupation de l'Égypte par les forces de Sa Majesté Britannique.

[2] Agreement between Great Britain and France respecting Egypt and Morocco, April 8, 1904, Article 6.

Congo, and in regard to the Canal itself. He was to have similar work to do in the United States with regard to the Isthmian waterway.[1]

[1] The Suez Canal Convention of October 29, 1888, is given textually in *Parliamentary Papers*, 1889, lxxxvii. p. 791-799. The ratifications were exchanged at Constantinople, on December 22, 1888 (*ibid.* p. 863). The Signatory Powers were Great Britain, Germany, Austria-Hungary, Spain, France, Italy, The Netherlands, Russia and Turkey.

CHAPTER X

TWO MINOR CRISES

In his last years at the Foreign Office, before he went off on the American Mission, Pauncefote had the good fortune to see the best relations in process of being established with Germany. Naturally attached as he was to France and to French culture, he was no party to any view that good relations with France were incompatible with good relations with Germany. Unfortunately Prince Bismarck, who had been friendly towards the British Government at the Congress of Berlin in 1878 and in the early stages of the Egyptian affair between 1882 and 1884, became downright abusive of England in 1885. The German Chancellor had bad health, he was nervous and moody, he was overworked; in general he was liable to break out almost inexplicably against any one of his great neighbours. In 1885, however, there were substantial causes of friction between Great Britain and Germany. The New German Empire looked longingly at the British island of Heligoland. Certain colonial spheres and boundaries were subjects of contention: of these, New Guinea and the adjacent islands formed perhaps the most disturbing area.

Great Britain, Germany and Holland each had settlements on the huge island of New Guinea. It

was necessary that some sort of partition should be arranged if friction, particularly between the two Great Powers, was to be avoided. In 1885 an important international conference had been held at Berlin concerning the affairs of West Africa. One of the delegates to this conference was Sir Robert Meade, Assistant Under-Secretary of the Colonial Office. Meade had some important conversations with Bismarck and his assistant Busch at Berlin. Bismarck spoke in very unfriendly fashion about Great Britain. He said: "Up to two years ago he had done everything he could to facilitate English policy in Egypt and elsewhere, but for some time past he has been treated in a different manner by England, whose actions did not accord with her professions." [1]

The Duke of Richmond, who was a member of the Opposition in Parliament, took up Bismarck's words, especially the remark that England's practice "did not accord with her professions;" and he inveighed against "the weak and vacillating conduct which has characterised the Government in every Department." [2] Lord Granville naturally denied that the Foreign Department was badly managed. As for Bismarck's remark about England's good faith, a remark which had reference to British action in Egypt, Lord Granville pointed out that Prince Bismarck had himself advised Great Britain "to take it."

This speech of Lord Granville brought Bismarck in person into the field. In the Reichstag he denied

[1] See Memoranda of Conversations between Meade and Prince Bismarck and Dr. Busch, in *Parliamentary Papers*, 1884-85, liv. p. 663.

[2] *Hansard*, third series, ccxciv. 1347-1348 (Feb. 26, 1885).

that he had ever advised England to take Egypt. He bitterly complained of the dreadful English "Blue Books" which made public diplomatic documents without his leave. He asserted, indignantly, that he had never received a reply to one important dispatch sent to the Foreign Office, under date of March 5, 1884.

This last charge against the courtesy of the Secretary of State and the business methods of the Foreign Office was easily rebutted. Granville had already cleared up the matter. He was sure that he had never received such a dispatch. Pauncefote could find no trace of it in the Foreign Office; if it had come, he must have seen it first. As a matter of fact the dispatch was in the archives of the German Embassy in London. "I had a talk with Münster," wrote Lord Granville to Mr. Gladstone. "He was frightened out of his wits, and went home to consult his archives. He found the famous dispatch, but a telegram not to act upon it. He begged me to keep this secret." [1] Münster was German Ambassador at London. This happened a few weeks before Bismarck made his attack in the Reichstag on the Foreign Office. Lord Granville did not divulge Münster's confidence; he merely arranged that the Prime Minister, Mr. Gladstone, should state that neither he himself nor Lord Granville had any recollection of receiving such a dispatch.

However, the tension between Great Britain and Germany continued. But Pauncefote was working out means by which he hoped that the tension would

[1] Fitzmaurice, *Life of Lord Granville*, ii. 428. Granville to Gladstone Feb. 4, 1885.

be relieved. After studying the history and geography of New Guinea he " proposed a plan which, it was hoped, might satisfy the German Chancellor."[1] Herbert Bismarck arrived in London to discuss this. The bluff diplomatist, the hero of Mars-la-Tour, was even bluffer than usual. Sir Charles Dilke wrote in his diary : " Herbert Bismarck came over again, and if at his former visit he had only tried to get us to dismiss Lord Derby, on this occasion he wanted us to dismiss Lord Granville and Lord Derby." [2]

Pauncefote's proposal involved the giving to Germany of more of New Guinea than the British public wished to sacrifice. Indeed the Government itself was divided, Sir Charles Dilke and Chamberlain holding strongly that Germany should not have all the unappropriated part of the north coast of New Guinea. This, however, seems to have been the least with which Germany would be satisfied, and it was necessary that Germany should be satisfied, if Great Britain was not to be thwarted or hindered by her in all that concerned Egypt. Gladstone met Herbert Bismarck on March 5, 1885, at a dinner-party given by Lord Rosebery. The distinct impression which the Prime Minister brought away was that, " according to Herbert Bismarck, there is and can be no quarrel about Egypt if colonial matters are amicably settled." So, concluded Mr. Gladstone (all this was in a letter to Lord Granville), " I do hope that you are pressing the ' Pauncefote ' settlement of the

[1] Fitzmaurice, *Life of Lord Granville*, ii. p. 430.

[2] Lord Derby was Secretary of State for the Colonies in the Cabinet of 1882-1885, in which Lord Granville was Secretary of State for Foreign Affairs.

North Coast of New Guinea, which seems to me the main or only point remaining. It is really impossible to exaggerate the importance of 'getting out of the way the bar to the Egyptian settlement.'" [1] The "Pauncefote plan" was accordingly accepted by the Cabinet and was put into effect by a Convention made with Germany, and signed on April 6, 1886. By this Convention German influence was recognised in north-eastern New Guinea and the adjacent islands to the west of a conventional line; Germany also undertook to make no new acquisitions and to renounce any previous acquisitions to the east of the line. On this, the eastern side of the conventional line, Germany agreed not to interfere with the extension of British influence. The agreement was considered satisfactory by both Governments. Dilke noted in his diary, in regard to the conversations with Herbert Bismarck concerning the German claims in New Guinea: "On this point we settled with him." [2]

The international status of the Congo was settled about the same time. This great river was made known to the European public chiefly through the explorations of the Englishman H. M. Stanley. The vast commercial and political opportunities offered by the opening up of the basin of the Congo did not make any strong appeal to the British public. The far-seeing King Leopold II of the Belgians, on the other hand, grasped the importance of Stanley's discoveries. The International Association of the

[1] Fitzmaurice, *Life of Lord Granville*, ii. 432.

[2] Gwynn and Tuckwell, *Life of Sir Charles Dilke*, quoting diary for March 6, 1885. The Convention respecting New Guinea and the map showing the Line of Demarcation is in *Parliamentary Papers*, 1886, lxxiii. 479-484.

Congo was founded, chiefly on the initiative and with capital supplied by King Leopold ; and Stanley was sent out again to West Africa, to make discoveries and settlements for the Association. Other countries, however, had claims. France's intrepid explorer, the Comte de Brazza, had already staked out a sphere of French influence in the Congo basin. The glorious past history of Portugal as well as her existing colony in South West Africa gave her some claims in that area. Germany too was now determined to have colonies ; and Great Britain, as an African Power of some antiquity, could not disinterest herself in the further partition of West Africa. The interests of the European States were beginning to collide in the Dark Continent ; and such collisions, anywhere, are liable to produce war. It was to avoid such a contingency that the eminent British diplomatist, Morier, suggested a general discussion of the African question : " That the region of the Congo should form a leading chapter in a large settlement of African affairs." [1] This proposal was made some years before the Conference of Berlin met, but it was the beginning of the great things which were done there.

There was crying need for some settlement. The German Government could make things very difficult for Great Britain in Egypt. There was trouble elsewhere, for Herr Lüderitz, a German merchant, had in May 1883 obtained a concession of territory from a native chief at Angra Pequena, in south-west Africa, 280 miles south of the British settlement of Walfisch Bay. Angra Pequena was within the coast-region, north of Cape Colony, which Great Britain

[1] Fitzmaurice, *Life of Lord Granville*, ii. 343.

had hitherto considered, somewhat vaguely, to be within her sphere. But it was not merely Angra Pequena that Germany wanted. On May 17, 1884, Count Münster, the German Ambassador, called on Lord Granville at Carlton House Terrace, and conversed at some length on general matters. Towards the conclusion of the conversation, "after a little hesitation," he said that he would like, at some future date, a quiet talk about Heligoland. "It was a place of no importance"—to England—he said. He added: "It was as good as impossible that Germany and England should ever be at war, but the cession of Heligoland would strengthen the good feeling of Germany towards this country to an extraordinary degree." Lord Granville's reply was: "I suppose the cession of Gibraltar would strengthen our good relations with Spain." Count Münster denied that there was any similarity in the two cases.[1]

The German design on Heligoland might be headed off, but the west and south-west coast of Africa was a different matter; for shortly after the May conversation Count Münster informed Lord Granville verbally "that the German Government could not maintain a friendly attitude in Egyptian matters if Great Britain maintained an unfriendly attitude on colonial questions."[2] Pauncefote's New Guinea convention with its recognition of German interests was a concession made in the light of this declaration; so also was the recognition by Great Britain on June 22, 1884, of the German annexation of Angra Pequena. German goodwill was now assured for the time being in the Egyptian question,

[1] Fitzmaurice, *Life of Lord Granville*, ii. 351. [2] *Ibid.* ii. 354.

and also in the question of the Congo. The German press was "all praise at the fairness, justice and friendliness of your decision, and I hear from all sides that it has done immense good to our international relations; for the Germans had set their hearts on the protection of Herr Lüderitz's enterprise at Angra Pequena." [1]

The way being thus at least partly cleared for a free discussion on the status of the Congo basin, Lord Granville and Pauncefote went ahead with negotiations based on the idea originally put forward by Sir Robert Morier. The immediate danger was not an armed clash of the Powers in the Congo basin; but rather lest exclusive tariff barriers should be set up in that area. For the egotism which to the detriment of the wealth of the world and of its individual peoples erects high tariff walls in continental Europe was certain to erect similar obstacles to trade on the Congo if some international regulation was not made.

It was the German Government which took the notable step of officially proposing an international conference. The Foreign Office agreed with alacrity. The British delegation that went to Berlin was very strong. Lord Granville had hoped to be able to send one of the Permanent Under-Secretaries—either Lord Edmond Fitzmaurice or Pauncefote. Pressure of business, however, made this impossible. Sir Edward Malet, British Ambassador at Berlin, was appointed a plenipotentiary; with him were associated Mr. (afterwards Sir) Robert Meade of the Colonial Office, Mr. Percy Anderson, chief of the

[1] Lord Ampthill to Lord Granville, June 28, 1884, *Life of Lord Granville*, ii. 355.

African Department of the Foreign Office, Sir Edward Hertslet, Keeper of the Archives of the Foreign Office, and Sir Eyre Evans Crowe of the Consular Service, with certain technical assistants.

The result of the Berlin Conference was the Berlin Act, signed on February 26, 1885, by the plenipotentiaries of Great Britain, Germany, Austria-Hungary, Belgium, Denmark, Spain, the United States, France, Italy, the Netherlands, Portugal, Russia, Sweden, Turkey. The Act is the greatest single memorial of the work in which Lord Granville and Pauncefote for so long co-operated at the Foreign Office. It had two grand results: one, it gave to the Congo—the greatest of the African rivers—as well as to the Niger and to part of the Zambesi, an international status similar to that of the Rhine, Danube and other "international" streams of Europe. Second, it laid down rules which greatly lessened, if they could not absolutely eliminate, the probability of collisions between the Powers who were partitioning the unoccupied parts of Africa.

Article 1 of the Berlin Act states: "The trade of all nations shall enjoy equal freedom in all the regions forming the basin of the Congo and its outlets." A glance at the map of Africa will give some idea of the colossal extent of the area which was thus taken out of the harassing and impoverishing restrictions of customs barriers and was thrown open to the traders of all the world. Added to this vast area of free trade in Central and West Africa was another great region extending eastwards from the Congo basin to the Indian Ocean at the fifth degree of north latitude (about the middle of Italian

Somaliland) and southward along the eastern coast to the mouth of the Zambesi. The line of demarcation next follows up the Zambesi for about one hundred miles, and then finds its way to the watershed between the Zambesi and the Congo.

Article 2 states : " All flags, without distinction of nationality, shall have free access to the whole of the coast-line of the territories above enumerated, to the rivers there running into the sea, to all the waters of the Congo and its affluents, including the lakes, and to all the ports situate on the banks of these waters, as well as to all the canals which may in future be constructed with intent to unite the watercourses or lakes within the entire area of the territories described in Article 1. Those trading under such flags may engage in all sorts of transport, and carry on the coasting trade by sea and river, as well as boat traffic, on the same footing as if they were subjects." This Article is surely a model of international fairness. No differential dues are permitted either on vessels or merchandise. Article 26 also stated : " The navigation of the Niger, without excepting any of its branches and outlets, is and shall remain entirely free for the merchant-ships of all nations equally."

The interests of the native inhabitants were not forgotten. All the Powers exercising sovereign rights in the conventional basin of the Congo bound themselves to watch over the preservation of the native tribes and to care for the improvement of their moral and material well-being, and to help in suppressing slavery and the slave trade. They also undertook to protect and favour all religions,

without distinction of creed or nation. The Berlin Act also adopted the system of neutrality for the conventional basin (including of course the East African region within the line of demarcation, but not the Niger); the signatory Powers bound themselves to respect this neutrality, "so long as the Powers which exercise or shall exercise the rights of sovereignty or protectorate over these territories, using their option of proclaiming themselves neutral, shall fulfil the duties which neutrality requires" (Article 9). On the outbreak of the Great War in 1914 the German Government proposed that the system of neutrality (which would have included her East African Protectorate and the Cameroon) should be recognised by France and Great Britain. The Governments of these two Powers, however, refused to exercise their option of proclaiming themselves neutral for the conventional basin, as, in their view, the military and political advantages of such an arrangement, would have exclusively accrued to the Germans.[1]

Article 17 established an International Commission charged with the execution of the act of navigation for the conventional basin of the Congo. Each of the signatory Powers, as well as any who should subsequently adopt the act, was to have one vote. For the Niger France and Great Britain respectively engaged to apply the principles of the act of navigation to so much of the waters of the Niger as are under their sovereignty or protection.

Two of the concluding articles of the Berlin Act limited the dangers of international collision in the

[1] See A. B. Keith, *The Berlin Congo and the Berlin Act* (1919), pp. 170-171.

partitioning of Africa. One article (No. 34) bound "any Power which henceforth takes possession of a tract of land on the coasts of the African Continent outside its present possessions, or which, being hitherto without such possessions, shall acquire them, as well as the Power which assumes a Protectorate there, shall accompany the respective act with a notification thereof, addressed to the other signatory Powers of the present Act, in order to enable them, if need be, to make good any claims of their own. The second article (No. 35) bound the signatory Powers to ensure the establishment of authority in the regions occupied by them—that is to say, a mere "paper occupation" would not be sufficient to establish a title to possession: any Power which was taking over territory must really and effectively occupy it.[1]

The chief honour for the Berlin Conference must be given to Prince Bismarck who was the first to propose the Conference. This proposal he made to the French Government, which in turn passed on the suggestion to the Foreign Office.[2] The British Government, although it welcomed a conference, did not find the atmosphere, when the conference actually met, favourable to its views. It required considerable effort before the British view was satisfied in favour of extending the free-trade area over a large portion of the West African coast in addition to the basin of the Congo. The decision to extend the free-trade area to the Indian Ocean and

[1] The Berlin Act is given in *Parliamentary Papers*, 1884-85, lv. pp. 438-447.

[2] *Ibid.* p. 454 (Viscount Lyons to Earl Granville, July 10, 1884).

east coast of Africa was taken on the initiative of the American plenipotentiary.[1] The securing of freedom for the coasting trade was the result of a British proposal. Great Britain warmly supported the opening of the Congo and Niger to the traders of all nations, and would have liked this system to be extended to the whole of the Zambesi. This latter proposal was not fully accepted; but the British Government had reason to be pleased with securing the application of the principles of the Congress of Vienna at any rate to the Congo and Niger. The proposal to include the conventional basin of the Congo in the Universal Postal Union was made by the German Government and was accepted.

In reporting the conclusion of the labours of the Berlin Conference to the Foreign Office, Sir Edward Malet, British Ambassador at Berlin, who along with Meade was the chief British delegate, stated that two grand results had been achieved. Firstly, the Conference had resulted in " the education of the public opinion of Europe as to Central African questions." Secondly, " all the powers of Europe and the United States of America, many Powers being included who are wedded to protective commercial systems, have met and pronounced themselves, by solemn engagements, in favour of absolute commercial freedom in vast territories hitherto closed in great part to the outer world." [2]

[1] *Parliamentary Papers*, 1884-85, lv. p. 119 (Sir E. Malet to Earl Granville, Dec. 23, 1884).

[2] *Ibid.* pp. 121, 123 (Sir E. Malet to Lord Granville, Feb. 21, 1885).

CHAPTER XI

SACKVILLE-WEST

In 1888 a crisis—although only a minor one—occurred in the relations between Great Britain and the United States. On the whole, since the successful *Alabama* Arbitration Settlement of 1873 the relations between the two great English-speaking democracies had been good if not particularly cordial. There was, however, a certain undercurrent of popular prejudice and animosity in both countries, and occasionally this undercurrent came to the surface.

Since 1881 the British Minister in Washington had been Sir Lionel Sackville-West, a *diplomate de carrière*, as nearly all the British ministers and ambassadors are. He had received the orthodox training since he first had become a précis-writer to Lord Aberdeen, one of the finest minds in the whole history of the British Foreign Office. Sackville-West had served with distinction in various legations and embassies abroad before he came to Washington. He was amiable, tactful, cautious and reserved. He was well liked in Washington society. All went smoothly until the summer of 1888.

Stephen Grover Cleveland, the first Democrat to be elected President of the United States since the Civil War, was in office in the years 1885-1889. In

the summer of 1888 the next Presidential election was approaching. Cleveland, with a view to reducing the cost of living, was in favour of lowering the tariff on imported goods ; and he had indicated this intention in his message to Congress, December 6, 1887. Great Britain, being a country of free trade, is naturally pleased when any other country takes a step to lower its tariff barriers. One way, therefore, in which Republicans could criticise Cleveland's policy was by saying that it might suit the interests of Great Britain, but not of the United States ; and as Great Britain was not very popular just then, the Republican criticism was good electioneering tactics. Some clever man out west took advantage of this to increase the chances of the Republican Benjamin Harrison in the coming election campaign by bringing British interference into the open.

Although the practice of leaving Washington in the summer months was not yet established,[1] the British minister liked a holiday in cooler, country air. Sackville-West was staying at Beverley, on the lovely North Shore between Salem and Gloucester. On September 12 he received a letter, written from Pomona, California, and signed " Charles F. Murchison." In this precious epistle the writer, who alleged himself to be an Englishman naturalised in the United States, asked for advice concerning the way he should vote. The two candidates for the Presidency, wrote Mr. " Murchison," were evenly matched ; a few votes might turn the scale. If the British Minister could assure Mr. Murchison that Cleveland really intended to introduce a low tariff,

[1] See Rosen, *Forty Years of Diplomacy* (1922), p. 73.

then Mr. Murchison would be able to tell others like himself "that they would do England a service by voting for Cleveland and against the Republican system of tariff."

Of course the letter was a pure hoax; and if it was not a very tactful joke to play upon the diplomatic representative of a friendly country, on the other hand it might be assumed that a public man is fair game and ought to know how to take care of himself. Sackville-West, a professional diplomatist of the most orthodox European style, should have known better than to engage in the politics of the country to which he was accredited. The letter came in an idle moment. It was raining. He read it, took up his pen, and, marking his letter *private*, wrote (with a good deal of circumlocution) that Cleveland was likely to be the more suitable candidate for British interests. He then sealed up the damning epistle, sent it off in the post, and probably thought no more about it.

About six weeks later, and a fortnight before the day of the election, the great Republican journal, the *New York Tribune*, published the Sackville-West letter. It had been passed on by the recipient (whose real name was Osgoodby, not Murchison) to the proper quarter, and at the right moment it was released in the press. Naturally, the press made the most of it. Sackville-West's advice in favour of voting for Cleveland, whether the advice was given privately or not, was a piece of perfectly unwarranted interference in the domestic politics of the State to which the minister was accredited, and the American electors had every right to resent it. The unfortunate diplomatist only made matters worse by showing

ill-temper. He told an interviewer that he had not expected a letter marked private to be published, " but now that it is published, I don't care." Clearly Sackville-West was not the man for his place. The American State Department, through E. J. Phelps, United States Minister in London, intimated their view that Sackville-West (or Lord Sackville as he had recently become by succession) should be recalled. Lord Salisbury, however, who was Secretary of State for Foreign Affairs, refused to do so, at any rate immediately. So on October 31, the Secretary of State, Thomas F. Bayard, sent Lord Sackville his passports.

For the remaining five months of Cleveland's first Presidency the British Legation was without a Minister. Diplomatic relations existed between the United States and Great Britain. Mr. E. J. Phelps continued at his post in London. The United States was thus fully represented at the Court of St. James ; but the Court of St. James was only represented at Washington by a First Secretary as *chargé d'affaires*. The Sackville incident was not worth quarrelling over. The relations existing between Great Britain and the United States were not particularly good anyhow. There was a considerable degree of acidity in the thoughts and even in the language of a large number of people on both sides of the Atlantic. For the British Government to persist in not appointing a minister to Washington was only to advertise strained relations to all the world. It is difficult to see why Lord Salisbury deferred so long to do what was inevitable, that is, to appoint a successor to Lord Sackville ; for the United States Government would

never receive Lord Sackville back. Lord Salisbury, however, waited until the new President, Benjamin Harrison, and the new Secretary of State, James G. Blaine, came into office. This took place on March 4, 1889. On April 2, 1889, a new British minister was appointed to Washington. Lord Sackville retired from the diplomatic service on a pension, and spent the rest of his life (nearly twenty years) on the historic estate of Knole Park which he had inherited, along with the peerage, just a fortnight before Secretary of State Bayard had sent him his passports.

CHAPTER XII

PAUNCEFOTE'S MISSION TO THE UNITED STATES

If Lord Salisbury had, in his calm way, been a little long in filling the Washington Legation after Lord Sackville's dismissal by the Cleveland administration, he gave on the other hand, as soon as a new administration came into office, the most complete evidence of intention to close the incident and to forget all the unpleasantness. The Washington mission, like the United States mission to London, was only a legation, not an embassy. It was impossible, therefore, for the British Government to appoint any of the most distinguished men of the diplomatic service, for these were all of ambassadorial rank. Yet Lord Salisbury did not wish to send a man of the second grade; he would appoint, if he could, a highly placed man, as well as a man of skill and experience. Having had plenty of time (which was what he liked) to think over the matter since the Sackville incident opened, he surveyed all the possibilities, and finally came to the conclusion that if the Permanent Under-Secretary of State would go, the peculiar difficulties of the problem would be solved. The United States would recognise that the British Government was not merely forgetting but forgetting in a particularly handsome way when it sent the man who, everything

considered, is their highest diplomatic official—the permanent head of the Foreign Office. His appointment was a compliment, and the American people, who are very open to an appeal to their chivalry, would welcome the compliment, the generous act of Lord Salisbury, and would themselves forget the Sackville affair.

The action of Lord Salisbury in appointing the highest official of the Foreign Office to the Washington Legation was not only a compliment to the United States, it was a wise administrative act. If the relations of Great Britain and the United States were a little strained, a man of the greatest experience and judgment would have the best chance of relieving the situation. It was more than temporary friction with which he would have to deal. For it must be confessed that all through the nineteenth century there was a tendency to the existence of strained relations on both sides, a tendency which diplomacy could not prevent from becoming, on occasion, as strong as it was unreasonable. Lord Salisbury wanted somebody who might do something towards providing permanent relief. Pauncefote was especially suitable for this task. His temper had been proved by twelve years of responsible and harassing office work; he had been dealing personally with statesmen, diplomatists and many other types of public men all that time; he had shown judgment, poise, restraint; he was pleasant to meet and to deal with; his knowledge of international law, in addition to his necessarily close knowledge of diplomatic procedure, would be a great help in the cause of Anglo-American relations. But would he accept the

offer of the Washington Legation? It did not take Lord Salisbury long to find the answer to this question. For years Pauncefote had been wondering how the deplorable, apparently permanent, and quite unnecessary friction between Great Britain and the United States could be ended. When Lord Salisbury offered him the chance of making a contribution towards this object, he accepted it, and quietly made ready for the change.

The appointment of Pauncefote to the Washington Legation naturally was criticised. He was "not in the direct line of diplomatic preferment." Lord Salisbury, however, having made his choice, was imperturbable, for he was quite confident that he had done the right thing. He required a man "who could do the work, at that time far more difficult and anxious than now." For all that Salisbury cared for in his selection, indeed, it is said, what he cared for in general, was to promote a good understanding between Great Britain and the United States.[1]

A London correspondent of the *New York Tribune* met Lord Rosebery the day after the appointment was announced.

"Of course you know Pauncefote," said his Lordship.

The correspondent said that he did not.

"But you should know him; now that he is going to Washington you must know him." Lord Rosebery was a leading member of the Liberal Party. Pauncefote's appointment was the work of the Conservative administration. Nevertheless, Lord

[1] *Anglo-American Memories*, Second Series, by George W. Smalley, (1912), p. 171. The quotations given above are also from this work on the same page.

Rosebery, like a good public man, was genuinely anxious to do anything that he could for his country, and for the goodwill of nations. So he ended the conversation with the *Tribune* journalist by inviting him to lunch. Lord Rosebery added: "You will have to say something about Pauncefote in the States, where I suppose he is little known, and it is desirable you should meet him for that purpose."

The luncheon took place next day at Lord Rosebery's house, 38 Berkeley Square. Pauncefote was present. He entered the drawing-room with an uncertain expression, and with a manner a trifle formal. "All the same he was impressive. His fine, powerful head rose well out of his broad shoulders, and the whole figure had power, if not authority." He looked serious, and stooped slightly, as if from long work at his desk in the Foreign Office. At first sight he seemed to have more of the scholar and student than of the man of affairs. He was not the conventional diplomatist. "A trained diplomatist is reserved while appearing open; one who has the air of telling you everything, and yet tells you nothing; who seems to go with you all the way, yet advances never an inch beyond the line he has drawn for himself." If the professional diplomatist of the old school is really like this, Pauncefote did not conform to the type. His reserve was obvious. He did not pretend that he was anything but cautious. He was courteous, even cordial, but a little remote, and self-contained. Such is the way in which he struck the intelligent American observer at Lord Rosebery's luncheon.[1]

[1] Smalley, *op. cit.* p. 174.

The impression made at this first meeting remained for life with the journalist, who in time established relations of friendship with Pauncefote. The new Minister to the United States "never became a diplomatist of the drawing-room. He never acquired the small graces and social dexterity of a man who begins as an attaché and climbs through long years to the top of his profession." But the observer, looking back later from the experience of long life, added: "he became the greatest Ambassador England ever sent to the United States."

CHAPTER XIII

WASHINGTON IN THE 'NINETIES

When Pauncefote came to the beautiful city on the Potomac in the summer of 1889 he found a society to his liking and an environment in which he could congenially work. It was not that the political situation was particularly favourable to Great Britain, nor that among people in general British affairs were especially popular. But Pauncefote's manner of carrying out his diplomatic duties, a little formal but transparently honest, suited the political atmosphere of Washington, while his quiet and unaffected social agreeableness made him fit easily into Washington society.

The city was still, in those days, comparatively small and manageable. The inhabitants numbered 230,000. The grand and dominating architectural features were, of course, the Capitol and the Washington Monument. Arlington Cemetery vibrated with memories of the personalities of the Civil War; the mighty sweep of the Potomac must ever impress the visitor with a sense of beauty and majesty. These grand features of Washington are unchanged, as are also, substantially, the Executive Mansion (the White House) and Lafayette Square. But the city has now spread outwards, and new Government Offices, and the houses of semi-public societies

occupy huge spaces which in the 'nineties were meadows and gardens. Society is still largely political, bureaucratic, literary and learned; but it is a larger society now. In the 'nineties, however, if comparatively small, it was distinctly brilliant.

This society was, as might be expected, predominantly senatorial. According to a witty novel written a few years before, the democracy of Washington was "government of the people, by the people, for the benefit of the Senators."[1] Among these influential personalities one of the most prominent was John Sherman, Republican Senator from Ohio. He was a man of great experience in finance, had been for many years an important influence in national politics, and on two occasions had, with reasonable hopes of success, been a candidate for the Presidency. All the sound things done in public finance under Republican administrations since the Civil War are considered to have been due to Sherman, whom the historian of the period ranks as "a consummate statesman."[2] When Pauncefote came first to Washington, Sherman was ageing, and becoming what was called a "venerable figure" in Washington society; but his highest office was still before him, for although he never became President, he was Secretary of State under McKinley in 1897-98. Another senator who was what journalists like to call one of the "Elder Statesmen" was William M. Evarts, Republican senator from New York. He had been Secretary of

[1] *Democracy, An American Novel* (1882), p. 23. This book, which in its day created quite a sensation, was apparently the work of Clarence King and John Hay.

[2] J. F. Rhodes, *History of the United States*, viii. 98.

State from 1877 to 1881 under President Hayes, having "great fame as a lawyer and the virtue that he was no man's man, and was friendly with reformers."[1] As a lawyer he had appeared for the United States in the Geneva Arbitration Case with Great Britain in 1872. George F. Hoar, Republican Senator from Massachusetts, was a man of sunny disposition and agreeable manner. A lover of learning and good literature, he enjoyed reading Thucydides more than any other book, and always carried a volume of this author when he travelled. One of the most influential personalities in Washington was John T. Morgan, Democratic Senator from Alabama. Two years after Pauncefote became Minister, Morgan was appointed by the President one of the arbitration commissioners in the Behring Sea Question. Afterwards he adopted a very decided line in regard to the question of the Isthmian Canal, championing the Nicaragua route and "filibustering" the efforts of the McKinley administration to arrange for construction of a canal through Panama.

There were also unofficial members of society—men who were not in Congress nor in the Administration, but who lived in Washington because they liked its political atmosphere, its physical spaciousness, its shady trees, its brilliant sunshine, its books, its conversation, its intriguing combination of Old World qualities and New. Such were George Bancroft, John Hay, Clarence King, Henry Adams.

Bancroft was near the end of his life when Pauncefote arrived in Washington. The author of the great

[1] F. L. Paxson, *Recent History of the United States* (1921), p. 2.

History of the United States was born in 1820, and after a distinguished career in scholarship, politics and diplomacy, had been living for years in Washington with what he called his three R's—reading, riding and roses. Naturally he was a famous figure, this once fiery, but now mellow and stately man, white-haired, thoughtful, kindly, the grand old gentleman of a past age—the age of Daniel Webster, Henry Clay, Calhoun, Lincoln.

John Hay was still a man with an active life before him. He and Pauncefote were to become close friends. Hay, one of the most charming of men, was also one of the finest minds in American politics. His outlook was of the widest; he was a man of the world in the best sense. "When I look back," he once said in a later address, "on the shifting scenes of my life, if I am not that altogether deplorable creature, a man without a country, I am, when it comes to pull and prestige, almost equally bereft, as I am a man without a state. I was born in Indiana, I grew up in Illinois, I was educated in Rhode Island, and it is no blame to that scholarly community that I know so little. I learned my law in Springfield and my politics in Washington, my diplomacy in Europe, Africa and America. I have a farm in New Hampshire, and desk-room in the District of Columbia. When I look to the springs from which my blood descends, the first ancestors I ever heard of were a Scotchman, who was half English, and a German woman who was half French. Of my immediate progenitors, my mother was from New England and my father was from the South. In this bewilderment of origin and experience, I can only put on an aspect

of deep humility in any gathering of favourite sons, and confess that I am nothing but an American."

Hay was a graduate of Brown University in Providence, Rhode Island, a pleasant academic community with its roots deep in the eighteenth century. Thenceforward, his career had lain, a little intermittently, in high political life, first as private secretary to Abraham Lincoln during the four years of Civil War ; next as Secretary of Legation at Paris ; later (after an interval of journalism) as *chargé d'affaires* at Vienna ; after this, he was Secretary of Legation at Madrid. When his diplomatic career, for the time being, ended, there came for Hay some years of journalism and politics. He took his politics seriously, but as his wife was wealthy he was able to give time to the two arts he loved best—literature and friendship. He was a poet and a "weaver of prose idylls." He helped to write (anonymously) the best selling novel of the year 1885. He could do solid hard work too, for with his friend Nicolay (who had been his colleague during the Civil War) he wrote a great and many-volumed *Life of Lincoln*.

He travelled much, and knew society in London and Paris ; but Washington was his home, where he and Henry Adams had each built a house, side by side, on Lafayette Square. Both men kept something like open house for the society that is distinctively of Washington. But Hay, unlike Adams, was always a politician. In the later 'nineties he became United States Ambassador to London, and after that was back again at Washington as Secretary of State. It was when he held this last position that he and

Pauncefote did their hardest work for good international relations, and both, by this time close friends, died at their posts.

Clarence King was a man of amazing parts. Henry Adams wrote: "King had everything to interest and delight Adams. He knew more than Adams did of art and poetry; he knew America, especially west of the hundredth meridian, better than anyone; he knew the professor by heart, and he knew the Congressman better than the professor. He knew even woman; even the New York woman, which is saying much. Incidentally he knew more practical geology than was good for him, and saw at least one generation further than the text-books. That he saw right was a different matter. Since the beginning of time no man has lived who is known to have seen right; the charm of King was that he saw what others did and a great deal more. His wit and humour, his bubbling energy which swept everyone into the current of his interest, his personal charm of youth and manners, his faculty of giving and taking, profusely, lavishly, whether in thought or money, as though he were Nature herself, marked him almost alone among Americans." This brilliant man was the life and soul of his circle, which was literary, learned and political. John Hay's library, the large, quiet room of books, pictures and a few vases, was the scene of many memorable meetings. It was in this room that the once famous anonymous novel, *Democracy*, already referred to, was read in manuscript chapter by chapter; if King was the author, Adams and Hay had a great share in it. But this was in the 'eighties, before Pauncefote arrived.

Henry Adams was the philosopher of the Lafayette Square circle. "His grandfather and great-grandfather were Presidents of the United States. He himself had gone through Harvard College; had served his father as Secretary in London; had known all sorts of English society—including the best; had taught history for seven years at Harvard in a way that history had never been taught before in America; had edited the *North American Review* for six years; and in 1877 had settled in Washington, convinced, he says, that 'as far as he had a function in life, it was as a stable companion to statesmen, whether they liked it or not.'" [1]

Although Henry Adams achieved all the successes in life which a scholar can hope for—and a good many more—there was a certain (though not very obvious) gloominess of disappointment about him. When he returned to Lafayette Square after a sojourn in the Far East, he came back regretting "the dark purple ocean" which he had left, "with its purple sense of solitude and void." He merely "went home as a horse goes back to its stable, because he knew nowhere else to go." However the voyage across the Atlantic on the *Teutonic* braced him and rested his nerves. "To a man who had been stationary like Europe, the *Teutonic* was a marvel. That he should be able to eat his dinner through a week of howling winter gales was a miracle. That he should have a deck stateroom, with fresh air, and read all night, if he chose, by electric light, was matter for more wonder than life had yet supplied, in its old forms." This was in 1892.

[1] W. R. Thayer, *Life of John Hay* (1915), ii. 53-54.

Back in Washington, Adams found himself at first rather a solitary man. "Slowly, a sort of society had built itself up about the Government; houses had been opened, and there was much dining; much calling; much leaving of cards; but a solitary man counted for less than in 1868. Society seemed hardly more at home than he. Both Executive and Congress held it aloof. No one in Government knew any reason for consulting anybody in society. The world had ceased to be wholly political, but politics had become less social. A survivor of the Civil War —like George Bancroft or John Hay—tried to keep footing, but without brilliant success. They were free to do or say what they liked, but no one took much notice of anything said or done." [1]

Gradually the contact between society and politics was re-established, chiefly through Adams' support of Hay. "King came and went, Ariel fashion, according as his geological duties called him to or fro over the continent: but Hay and Mr. Adams were wellnigh inseparable." [2] The Adams-Hay circle was markedly Republican, for Hay at any rate was a very determined party man in the Republican interest. Pauncefote of course had no politics. His interest was in international goodwill. His social relations were therefore necessarily with men of either party, Republican or Democrat. When, however, later, Hay became Secretary of State, Pauncefote, as Ambassador, naturally came into very close official relations with him. It was in this last period that the common interest of the two men in

[1] *The Education of Henry Adams* (1919), p. 321.

[2] Thayer, *op. cit.* ii. 58.

international comity produced remarkable results. Hay found the task too much for him. According to Henry Adams, " Hay had no ally, abroad or at home, except Pauncefote, and Adams always maintained Pauncefote alone pulled him through." [1]

[1] *The Education of Henry Adams*, p. 374.

CHAPTER XIV

POLITICS IN THE UNITED STATES IN THE 'NINETIES

THE last ten years of the nineteenth century in the United States, a period covered by the Presidencies of Harrison, Cleveland (for the second term) and McKinley, were a time of anxiety both in domestic and foreign affairs. The population in 1890 was 62,622,250. The country seemed to be approaching the limit of settlement. In 1889-90 six new States had been added to the Union—North Dakota, South Dakota, Montana, Washington, Idaho and Wyoming. The "frontier" had disappeared. "In 1890, for the first time, the census takers found it impossible to trace upon their maps any line which marked the front of settlement between the Mississippi and the rising heights of the Rockies."[1] In 1889 Oklahoma was opened to settlement as a territory. A bugle was blown at noon on April 22; a waiting multitude surged in, and "the Territory was peopled in a single day."[2]

The increasing settlement and population did not bring general prosperity. The number of inhabitants had grown by over twelve millions between 1880 and 1890. Yet business was not flourishing, and the

[1] Woodrow Wilson, *A History of the American People* (1902), v. 199.

[2] *Ibid.* v. 212.

financial structure of the Federal Government was not altogether safe. The Gold Question and the Silver Question agitated economists, public men and the ordinary voter. There was a great and continual drain upon the Treasury reserves of gold. In 1893 a very serious commercial crisis or panic occurred. Trade recovered from this, but still there was depression and unemployment. In 1894 there had been a "march of the unemployed," organised as a demonstration, from the West to Washington. When Cleveland vacated office in 1897 at the end of his second term, the question of the coinage was still unsettled: "There had been real distress in the country, long continued, hopeless, as if the springs of wealth and prosperity were dried up."[1] In the last years of the century, however, economic conditions improved, while at the same time the United States, through the Spanish-American War and through action in China, became one of the World Powers. Pauncefote watched the United States weathering its domestic troubles and developing into a World Power. By his patient and skilful diplomacy he materially contributed to the result that as America grew in strength, friction with the British Empire was abated and friendship and co-operation supervened.

In Washington in the early 'nineties there seemed to be something like stagnation in politics. As Hay and Adams looked out of their windows in Lafayette Square they appeared to see nothing but "antiquities"—aged generals of the Civil War or forgotten politicians who were once believed to "sway

[1] Woodrow Wilson, *op. cit.*

the course of empire."[1] There was a want of leadership. The American people "were wandering in a wilderness much more sandy than the Hebrews had ever trodden about Sinai."[2] Yet leadership was soon to be found.

It was not, however, leadership of President Harrison (at the head of a Republican Administration from 1889 to 1893) that aroused the American people again to potent political life. Benjamin Harrison came of a family which had traditions of service, for his grandfather had been President of the United States and his father had been a member of the House of Representatives. He himself had seen four years' active service in the Civil War. He was a lawyer, and devoted to his profession. One of his Secretaries of State calls him the most intellectual of the Presidents since Lincoln. "He was a lawyer of the first rank. As a speaker and debater, he had few equals in his time. He was a good executive officer and . . . could have discharged any of the duties of the Government with efficiency."[3] His manner was somewhat reserved; people thought that he was a little cold and unsympathetic. This defect in the Administration was rectified by the Secretary of State, Mr. J. G. Blaine.

Blaine had one of the most masterful personalities in the United States. His manner was genial and expansive. He had many friends. His wife was a social leader, and his house was one of the fashionable and political centres of Washington. He had been already Speaker of the House of Representa-

[1] *The Education of Henry Adams*, pp. 325-326. [2] *Ibid.* p. 328.

[3] J. W. Foster, *Diplomatic Memoirs*, ii. 253.

tives, Secretary of State (under Garfield), and was considered for many years as a likely man for the Presidency. Yet, in spite of his great gift of leadership, he never was able to command the confidence of the whole people. Nevertheless, a man of such power and influence could not fail to impress his personality in foreign affairs while he was Secretary of State. Pauncefote found him very approachable.

The fertility of mind of Mr. Blaine is exemplified by a story told of one of his dinner-parties at Washington. It occurred when he was Speaker. One afternoon, on coming home from the Capitol, he told Mrs. Blaine that he had invited some gentlemen to dinner, including among them the Secretary of the Navy, George M. Robeson, "and that she must be sure to serve some Madeira, as that was the Secretary's favourite wine." Mrs. Blaine objected that there was no Madeira in the house. "Well," he said, "send to the grocer and get some, as we must have it." When the guests had arrived and dinner was served, Mr. Blaine was in excellent humour. "As he looked down the table when the Madeira was being served, he saw the Secretary testing its aroma; whereupon he arrested the conversation of the guests by addressing the Secretary in a voice which attracted general attention: "Robeson, I hope you will like that Madeira, for it has a history;" and then he proceeded to invent a story of how it belonged to a cask of a choice vintage which had made a trip round the world in a sailing-vessel to temper its quality, had been brought to Washington by a European diplomat, had been bought at the sale of his effects when he left the

country by a retired commodore of the Navy, and lain in his cellar in Philadelphia for years, and that he, Blaine, had received from his friend the commodore, a few bottles, and this they were now drinking was the last of it. Secretary Robeson, who was a great connoisseur of wine, listened with marked attention, and responded that he knew from its delicate aroma and delicious taste it must have a history, and proceeded to praise it in extravagant terms." [1] It is probable, however, that Mr. Robeson's approval of the wine proceeded from politeness and courtesy rather than from credulity, for he is known to have possessed one of the best cellars in Washington, and was not likely to be hoodwinked.

With this genial Secretary of State, Pauncefote was now to start the negotiation of a long series of treaties. The first batch arose out of the McKinley Tariff Act. This Act was the most notable event of American politics in the year 1890—the year after Pauncefote arrived in Washington. The economic theory of the Republican party was " that every commodity which could be produced in the United States must be protected." [2] The McKinley Tariff very greatly increased the duties. There were some Free Trade protests or criticisms. James Russell Lowell, the man of letters and diplomatist, called it " the first experiment a really successful people have ever tried to make one blade of grass grow where two grew before." [3] The Act, however, did not raise up, as its opponents said, a complete " Chinese

[1] Foster, *op. cit.* i. 12.

[2] Paxson, *Recent History of the United States* (1921), p. 148.

[3] Quoted by Paxson, *op. cit.* p. 149.

wall." It had a reciprocity clause. Mr. Blaine accordingly commissioned Mr. J. W. Foster to undertake the negotiation of reciprocity treaties with Spain for Cuba, and with Great Britain for the West Indian Islands. The peculiar nature of the British Empire, however, made it possible for the State Department to negotiate, not with the Foreign Office or Colonial Office, but separately with the West Indian colonies themselves. Delegations from the West Indies came to Washington, and engaged in conference with Mr. Foster at the State Department. The matters under negotiation were highly technical and were considered by the British Government to be the affair of the Crown colonies themselves. Pauncefote's chief duty in regard to the conferences was to introduce the delegations on their arrival to Mr. Blaine and Mr. Foster in the diplomatic reception-room of the State Department. The British Minister was not present at the discussions; he entrusted the position of observer to a secretary of legation, Mr. Cecil Spring Rice. This popular young diplomatist knew better than to confuse his brain with the masses of statistics which perplexed Mr. Foster and the delegations through weeks of conferences. His cordial manner, however, and his dashing style of correspondence pleased the State Department. When a new delegation came on the scene he would write to Mr. Foster: "The Delegates from Barbadoes have arrived and are dying to see you. Can you satisfy their passion on Tuesday at 11? If not, I will break it to them as gently as may be." The young diplomatist adds: "I hope the turkey was good," alluding apparently to a bird

which he had shot and had sent to Mr. Foster.[1] It is not very easy to recognise in this effervescent secretary of legation the harassed Ambassador of 1914-1918. Spring-Rice was one of the best known diplomatists whom Pauncefote influenced. Another was Michael Herbert, who came to Washington a little later. Each became in time ambassador to the United States.

[1] Foster, *op. cit.* ii. 11.

CHAPTER XV

THE BEHRING SEA ARBITRATION

By the year 1889 the "envenomed hatred between the Americans and the English which de Tocqueville observed in 1833 had been largely dissipated." [1] Certainly this deplorable sentiment had "largely" disappeared, but not quite. Theodore Roosevelt admitted in the same year, 1889, that "a good deal of feeling against England—mind you none whatever against an Englishman—still foolishly exists in certain quarters of our purely American communities." [2] To help to change this feeling into the natural sentiment of friendship was regarded by Pauncefote quite seriously as his mission.[3] All that could be done by means of his frequent, almost daily, contacts with men of official position in Washington, by methods of honesty and conciliation, he did. In regard to exceptional difficulties, he was the unwavering supporter of arbitration.

A surviving member of his Washington staff testifies to the change which took place during Pauncefote's time at Washington. The prejudice which still existed on both sides as between British and Americans disappeared at Washington in these

[1] Fisher, *James Bryce* (1927), i. 233.

[2] Roosevelt to Bryce, Jan. 6, 1889, in Fisher, *op. cit.* i. 236.

[3] See Smalley, *Anglo-American Memories.*

years. He had many qualities which other ambassadors and ministers have had—coolness, judgment, tact, agreeableness, experience of men and affairs, knowledge of history. He had also an additional advantage in having been a trained and practising lawyer. He is the only instance, down to his own time, of a lawyer who was appointed to the Washington legation or embassy. At Washington a knowledge of the law and a practical training in it were more effective than they would have been at any other centre of diplomacy; for at the State Department many of the posts, including that of the Secretary of State himself, were often held by lawyers. Pauncefote therefore was on common ground with them. They understood each other; their processes of thought were similar. And, as lawyers, the idea of arbitration naturally appealed to them.

Seals and the Behring Sea were the first things for which arbitration seemed likely to be helpful. Slaughter on the high seas, where it is impossible to distinguish between male and female seals, had reduced the once numerous herds to one which bred in summer off the Pribilov Islands in the Behring Sea. In 1867 the islands, along with Alaska, had passed from the possession of Russia into that of the United States. The American Government at once caused studies to be made regarding the habits of the seals, and after some "interesting and intelligent experiments" fixed the number of seals which (according to expert estimates) could be "safely" slaughtered, at 100,000 annually. The right to kill these seals was leased for 50,000 dollars and a royalty on every skin

to a commercial company.[1] The skins were all taken to London to be dressed by British labour.

The entire business was then conducted peacefully, lawfully, and profitably—profitably to the United States, for the rental was yielding a moderate interest on the large sum which this Government had paid for Alaska, including the rights now at issue; profitably to the Alaskan Company, which, under Governmental direction and restriction, had given unwearied pains to the care and development of the fisheries; profitably to the Aleuts, who were receiving a fair pecuniary reward for their labours, and were elevated from semi-savagery to civilisation and to the enjoyment of schools and churches, provided for their benefit by the Government of the United States; and last of all, profitably to a large body of English labourers who had constant employment and received good wages. . . . Into this peaceful and secluded field of labour, whose benefits were so equitably shared by the native Aleuts of the Pribilov Islands, by the United States, and by England, certain Canadian vessels asserted their right to enter.[2]

The Canadian ships could not hunt seals on the shores of the Pribilov Islands or within the three mile limit, so they killed the seal at sea, and the number in the herd was seriously diminished.

On August 29, 1889, Mr. H. G. Edwards, British *chargé d'affaires*, who was on holiday at Bar Harbor, Maine, wrote to Mr. Blaine concerning "repeated rumours" which had come, to the effect that Canadian sealing ships had been seized in the Behring Sea by United States cruisers outside the three-mile limit of the nearest land. Mr. Blaine replied at once

[1] Blaine to Pauncefote, Jan. 22, 1890, in *Foreign Relations of the United States*, 1890, p. 367.

[2] *Ibid.* p. 368.

that these rumours were probably correct, and that he would be prepared to discuss the whole matter when Sir Julian Pauncefote (who had already paid a flying visit) should return to Washington in October. Mr. Blaine added that President Harrison was earnestly desirous of a friendly accommodation with Great Britain.

Pauncefote was in his element, for the complicated question which he now had to deal with was largely an affair of technical international law, conditioned, however, by considerations of morality and equity. As Mr. Blaine refused to consider the seal question to be merely an affair of the Law of Nations, Pauncefote's habitual attitude of conciliatoriness and frank reasonableness was very welcome at the State Department. It was said there that " he possessed few of the brilliant qualities of Lord Dufferin, and had none of the hectoring ways of that earlier and even more celebrated British diplomat, Lord Stratford de Redcliffe. . . . But he was methodical and attentive to business, a man of sound judgment, and he impressed everyone who came in contact with him with his perfect sincerity and conscientiousness." [1]

The British Government naturally protested against the seizure of Canadian ships in the Behring Sea as being contrary to the Law of Nations. Mr. Blaine, at first, refused to consider the matter from this point of view. The Canadian sealing ships in the Behring Sea were, he said, " engaged in a pursuit that was in itself *contra bonos mores*," contrary to good manners or customs. " To establish this ground it is not necessary to argue the question of the extent

[1] J. W. Foster, *Diplomatic Memoirs*, ii. 316.

and nature of the sovereignty of this Government over the waters of the Behring Sea." [1]

Pauncefote met this argument fairly, and had several interviews with Mr. Blaine. Naturally the British Government could not agree that its rights or supposed rights under international law could be ignored because Mr. Blaine considered them to be *contra bonos mores*. Mr. Blaine, too, recognised that the subject admitted of discussion. Tripartite negotiations between the Powers territorially interested in the Behring Sea—that is, the United States, Great Britain and Russia—had already been initiated in London, but had been interrupted by the change of diplomatists and Presidents in 1889. Pauncefote and Blaine arranged to re-open these tripartite negotiations, not at London, however, but at Washington. The contention of the Canadian Government (a contention which they supported by much evidence) was that the seals could be adequately protected and suffered to increase within the three-mile limit of the Pribilov Islands; and that outside this limit the ships of all nations had a right to catch seal in the Behring Sea, just as in any other sea. The British Government was willing to agree to the observance of a "close season" of five months in the Behring Sea, during which period no seals should be killed. When, however, the United States Government dispatched revenue cutters to the Behring Sea to stop British sealers, Pauncefote, acting on instructions from Lord Salisbury, sent a formal protest (June 14, 1890).

[1] Blaine to Pauncefote, Jan. 22, 1890, in *Foreign Relations of the United States*, 1890, p. 366.

Pauncefote's negotiations on the seal question at Washington were especially difficult because it was necessary to keep in view the opinions and wishes of the Canadian Government as much as those of the British Government in London. Thus certain proposals or offers of Lord Salisbury had to be modified because they did not meet the wishes of Canada. Mr. Blaine complained very much of this. How would the British Government like it if an agreement which was being negotiated by the Foreign Office and the State Department was broken off by the United States "on the ground that the State of California was not willing that it should be completed?"[1] Yet Mr. Blaine must have known that the British Government did not stand to Canada in a similar relation to that in which the United States Government stood towards the State of California.

The negotiations at Washington made little headway. The evidence regarding the habits and increase of seals was conflicting; indeed the whole affair, somehow, seemed over-complicated. Yet, wrote Pauncefote to Blaine, "I do not despair of arriving at a solution which will be satisfactory to all the Governments concerned." For, he pointed out: "it has been admitted from the commencement that the sole object of the negotiations is the preservation of the fur-seal species for the benefit of mankind, and that no considerations of advantage to any particular nation, or of benefit to any private interest, should enter into the question."[2] With this principle agreed upon, Pauncefote had no hesitation in putting

[1] Blaine to Pauncefote, May 29, 1890.

[2] Pauncefote to Blaine, April 30, 1890, *Foreign Relations of the United States*, 1890, p. 410.

forward arbitration as a means of settling the affair. President Harrison was quite agreeable to this ; his only criticism was that in the meantime the unsatisfactory condition of the seal-fisheries would continue, for arbitration would take a long time : it is, he said, of little value, " unless conducted with the most careful deliberation."

The arbitration-plan, however, hung fire. Mr. Blaine wished to secure his ground beforehand by historical arguments ; and it must be admitted that his assertions were not particularly happy. In 1821 (September 4) the Emperor Alexander of Russia had issued a ukase, which was to become very celebrated, claiming territorial jurisdiction for Russia from the Behring Strait southward to the forty-fifth degree of north latitude and forbidding foreign vessels to approach within one hundred miles of land. Great Britain and the United States both protested, and by treaties subsequently negotiated with Russia obtained the recognition of the right of their subjects to navigate and fish in the Pacific Ocean. The British and United States Governments also obtained from Russia an agreement that her territorial claims on the continent did not extend to the south of latitude 54.40, thus settling the southern boundary of Alaska.

Mr. Blaine argued that these treaties, which were negotiated in the years 1824 and 1825 left unimpaired Russia's claim (under the ukase of 1821) at least to forbid any vessels to come within 100 miles of the coast, if not to forbid them to come inside the Behring Sea. " Except as voluntarily modified by Russia in the treaty with the United States, April 17, 1824, and in the treaty with Great Britain, February

16, 1825, the ukase of 1821 stood as the law controlling the Russian possessions in America until the close of Russia's ownership by transfer to this Government. Both the United States and Great Britain recognised it, respected it, obeyed it." [1] Now the truth is that the British Government, as a matter of course, denied any possible claim of Russia to exercise jurisdiction for one hundred miles from the coast of Alaska.[2] But the United States did so too, equally strongly. It was quite easy for Lord Salisbury, in a dispatch to Pauncefote, to prove this by quoting five lines of the instructions of John Quincey Adams in 1821 to Mr. Middleton who was intrusted with the negotiations of the United States with the Russian Government:

> From the tenor of the ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the Asiatic coast, to the latitude of 51° north on the western coast of the American continent; and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of 100 miles from the whole of that coast. The United States can admit no part of these claims.[3]

The heart of the question was not the claim of jurisdiction for 100 miles from the coast of Alaska, but the claim of the United States that the Behring Sea was a *closed* sea in Russian times and that the

[1] Blaine to Pauncefote, June 30, 1890, in *Foreign Relations of the United States*, 1890, p. 446.

[2] "We cannot admit the right of any power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles." Wellington to Nesselrode, Oct. 17, 1822. Reprinted in *Foreign Relations of the United States*, 1890, p. 468.

[3] *Foreign Relations of the United States*, 1890, p. 458.

United States, when it purchased Alaska, took over the Russian right to maintain this closure. In reply to Pauncefote's arguments Mr. Blaine wrote that they had received the careful attention of the President; he added: "I am instructed to insist upon the correctness and validity of the position which has been earnestly advocated by the Government of the United States, in defence of American rights in the Behring Sea. . . . The United States contends that the Behring Sea was not mentioned, or even referred to, in either treaty, and was in no sense included in the phrase *Pacific Ocean*. If Great Britain can maintain her position that the Behring Sea at the time of the treaties with Russia of 1824 and 1825 was included in the Pacific Ocean, the Government of the United States has no well-grounded complaint against her. If, on the other hand, this Government can prove beyond all doubt that the Behring Sea, at the date of the treaties, was understood by the three signatory Powers to be a separate body of water, and was not included in the phrase *Pacific Ocean*, then the American case against Great Britain is complete and undeniable."[1] Mr. Blaine went on to quote instances of maps which marked the Behring Sea or "Sea of Kamchatka" by name separately from the Pacific Ocean, and in a final burst of eloquence he concluded:

Is it possible that with this great cloud of witnesses before the eyes of Mr. Adams and Mr. George Canning, attesting the existence of the Sea of Kamchatka, they would simply include it in the phrase "Pacific Ocean", and make no allusion to it whatever as a separate sea, when

[1] Blaine to Pauncefote, Dec. 17, 1890.

it was known by almost every educated man in Europe and America to have been so designated numberless times? Is it possible that Mr. Canning and Mr. Adams, both educated in the Common Law, could believe that they were acquiring for the United States and Great Britain the enormous rights inherent in the Sea of Kamchatka without the slightest reference to that sea or without any description of its metes and bounds, when neither of them would have paid for a village house lot unless the deed for it should recite every fact and feature necessary for the identification of the lot against any other piece of ground on the surface of the globe? When we contemplate the minute particularity, the tedious verbiage, the duplications and reduplications employed to secure unmistakable plainness in framing treaties, it is impossible to conceive that a fact of this great magnitude could have been omitted from the instructions written by Mr. Adams and Mr. G. Canning as secretaries for foreign affairs in their respective countries—impossible that such a fact could have escaped the notice of Mr. Middleton and Count Nesselrode, of Mr. Stratford Canning and Mr. Poletica, who were the negotiators of the two treaties. It is impossible that in the Anglo-Russian treaty Count Nesselrode, Mr. Stratford Canning, and Mr. Poletica could have taken sixteen lines to recite the titles and honors they had received from their respective sovereigns, and not even suggest the insertion of one line, or even word, to secure so valuable a grant to England as the full freedom of the Behring Sea.

Although the Canadian Government disputed the statistics of the United States Government concerning the wastage of the Behring Sea seal herd, Lord Salisbury, British Prime Minister and Secretary of State for Foreign Affairs, admitted that "unrestricted permission to all nations to hunt the seal at all times has resulted in other parts of the world in its

entire extermination." He therefore had introduced into Parliament a bill to prohibit British subjects from hunting seal in the Behring Sea or a part thereof (to be specified by order in council) until the month of May 1892. Sealers who had already made their arrangements to hunt would receive compensation from the British authorities. The bill passed the House of Lords on June 8, 1891, with the condition (to which the United States agreed, for it was their own suggestion)[1] that the United States Government should undertake to enforce the close season on their subjects. In the meantime recourse was to be had to arbitration for a final settlement.

During most of the latter part of the year 1891 Mr. Blaine was ill. Mr. William F. Wharton was Acting Secretary of State. During these months, it must be admitted, the negotiations marched much better than they had previously done. Mr. Blaine's dispatches are good reading, but they were not couched in very accommodating language. They were a little rhetorical, and had a certain flavour of acerbity. Mr. Wharton's notes and dispatches were always expressed in friendly and conciliatory language, firm enough, but as of a writer eminently reasonable and anxious to see the point of view of his correspondent. By the time Mr. Blaine returned to the State Department agreement had been practically reached. On December 17, 1891, Pauncefote was able to inform the State Department that he was authorised to sign the articles of the arbitration agreement as defined in the last United States proposals. A treaty to this

[1] Adee to Pauncefote, May 20, 1891, in *Foreign Relations of the United States*, 1891, p. 557.

effect was signed on February 20, 1892. It stipulated that the questions at issue between the United States and Great Britain concerning jurisdiction in the Behring Sea and the preservation of the fur-seal should be referred to a court of seven arbitrators, of whom two should be appointed by the United States, two by the British Government, and one each by Italy, Sweden, and France. This was the first of the series of important treaties which Pauncefote negotiated with the United States.

The Arbitration Tribunal, instituted in accordance with the terms of the Pauncefote-Blaine Treaty, came together at Paris in March 1893, and sat throughout the following four months. The award was delivered on August 15, 1893, and "was against the United States on all points except as to the regulations adopted for the taking of the seals on the high seas." [1] The Arbiters decided unanimously that in the treaty of 1825, the Behring Sea (or Sea of Kamchatka) was included in the term Pacific Ocean. They found also (one of the two United States delegates dissenting) that Russia never held exclusive rights of jurisdiction in the Behring Sea—consequently the United States on taking over Alaska in 1867 did not thereby become seised of any exclusive jurisdiction in these waters. Thirdly the Arbiters found (both the United States delegates dissenting) that the United States had no rights of property over the fur-seals outside the three-mile limit. In order, however, to protect the seals from indiscriminate pelagic hunting, the Arbitration Tribunal enacted (in accordance with Article 7 of the Blaine-Pauncefote

[1] J. W. Foster, *Diplomatic Memoirs*, ii. 48.

fote Treaty) that United States and British subjects should not kill seal within sixty miles of the Pribilov Islands, and that there should be a "close season" during which no seal should be taken in the Behring Sea for the months of May, June and July every year.

As the findings of the Arbitration Tribunal showed that the seizures of Canadian sealing ships in the Behring Sea could not be justified in international law, the British Government, on behalf of its aggrieved citizens, had a claim against the American Government. It required long and careful negotiation between Pauncefote and the State Department (represented first by Mr. Gresham and later by Mr. Olney) before accord was finally reached and the sum of 473,151 dollars was paid over to Great Britain.

CHAPTER XVI

THE WASHINGTON EMBASSY

In the work of government the states of the world have made a great success of municipal justice. Private war has been abolished; in every state the citizens take their quarrels before a national court to be settled by it. But compulsory justice stops at national frontiers. Between states there is still an area where law is uncertain. States claim the right to settle disputes with each other, in the last resort, by force. Pauncefote, like hundreds of other people, was working in the last ten years of the nineteenth century to substitute a rule of law for a rule of force between states. His position as representative of the British Government at Washington gave him peculiar opportunities for advancing arbitration as a substitute for war, opportunities which were strengthened by his lawyer's knowledge of international law, by his Foreign Office experience, and by the trust in his good faith which he inspired in the State Department.

The confidence in his integrity which Pauncefote had won from the first in the State Department was an asset of inestimable value in the cause of peace. For arbitration was not popular in the United States in the 'nineties. The verdict of the Behring Sea Arbitration Tribunal had gone against the United

States claims. "For a time following the adjournment of the Tribunal, international arbitration was unpopular in the United States, just as it was in England after the Geneva Award," wrote Mr. J. W. Foster, Secretary of State in 1892-93.[1] Theodore Roosevelt, Police Commissioner of New York City, published an article in 1895 in which he said: "The one failure of President Harrison's Administration was in the Behring Sea case. . . . We ought never to have agreed to an arbitration. . . . It is not a page of American diplomacy upon which we can look back with pride. It should teach us to beware, beyond all others, of peace-at-any-price men. It should teach us to be exceedingly cautious about entering into any arbitration." When Mr. Foster, who worked for conciliation all through his active diplomatic life, defended the resort to a Tribunal, Roosevelt in a personal letter replied: "My main purpose in telling about the Behring Sea Arbitration was to try to show some of our people that arbitration might be a very poor thing indeed."

Certainly, if everybody regarded arbitration in this light, as a good thing when the decision is for you, and a bad thing when the decision is against you, it would never have a chance of displacing war. But "the better and prevailing judgment"[2] of the United States has approved of President Harrison's action in submitting the case to an international

[1] Foster, *Diplomatic Memoirs*, ii. 49-50. The Geneva arbitration referred to was the settlement of the dispute concerning the *Alabama* and other Confederate ships fitted out in Great Britain during the Civil War. It was settled in 1872 and Great Britain had to pay fifteen and a half million dollars to the United States. See R. B. Mowat, *The Diplomatic Relations of Great Britain and the United States* (1925), p. 220.

[2] J. W. Foster, *op. cit.* ii. p. 50.

tribunal. Thus the Behring Sea Arbitration is one of the great dates in the history of settlement by peaceful means. The United States diplomatist's concluding remarks on the Arbitration sound now almost (but not quite) like a platitude: "It was far better that we should submit our rights and interests in the seal-herd to the arbitrament of an impartial tribunal than risk the horrors of a war between the kindred peoples." [1]

Mr. Blaine, whose health was failing, resigned in June 1892, before President Harrison's time had run out. "His gift of leadership and his vision of a harmonious western hemisphere were sufficiently marked to enhance the tragedy of his failure to deserve and win the greatest rewards in public life." [2] If his conduct of the Behring Sea controvesry was a failure it must be remembered that he inherited the dispute from a previous Administration (Cleveland's) and that he was honestly arguing a case based upon a false reading of history for which his technical advisers must bear the responsibility. "In no part of that statesman's career did his devotion to his country more conspicuously rise above partisanship than in that correspondence. It is doubtful if any other living American could have made a more brilliant defence of his Government, and the fallacies which exist in his argument were due to the false assertion of historical facts and erroneous judicial decisions put forth during the preceding Administration of our Government." [3]

[1] J. W. Foster, *op. cit.* ii. p. 50.

[2] Paxson, *Recent American History*, p. 178.

[3] J. W. Foster, *op. cit.* ii. 25.

The successor of Mr. Blaine at the State Department, Mr. J. W. Foster, had been in charge of the American case when the Behring Sea affair was being tried in the Paris Tribunal. Before the hearings were concluded at Paris President Harrison's term of office had run out and Grover Cleveland had begun his second Administration. But Cleveland's Secretary of State, Gresham, continued Mr. Foster in the position of United States Agent before the Paris Tribunal until the hearings were completed and the final award made. Thus the Arbitration was concluded and accepted as a non-party measure. This greatly strengthened the cause of peaceful settlement.

Pauncefote, unperturbed by his success, went on with his pursuit of the means of maintaining peace. He had already made many friends in Washington. In the large house in Connecticut Avenue, which was the home of the British Legation, he entertained frequently—more, perhaps, from a sense of duty than from a love of fashionable life. In these parties he was attentive, kind, accessible, but never expansive. Everyone liked him, because of his accessibility, his kindness, his lack of self-interest, but they never went away feeling that they had learned anything "behind the scenes." Pauncefote never gave press interviews and he seldom made speeches. His work was done by correspondence and by personal meetings with the statesmen and politicians of Washington.

The routine business of the Legation was very heavy, involving complicated questions of copyright, immigration law, passports, fishery rules,

canal tolls, the liquor and arms trade, wrecking, railroad law. The greater part of this routine correspondence was concerned with Canada. There were many matters which were calling for settlement and which had been so calling for years between Canada and the United States. All these things were dealt with by the British Legation. As late as the year 1898 a conference formed by Pauncefote and the Canadian Minister of Fisheries on the one hand, and Messrs. Foster and Kasson on the other, defined no less than twelve important subjects upon which agreement would have to be established before concord between Canada and the United States could be attained. The daily labour necessitated by these apparently unending Canadian and United States questions was enormous; yet questions were not unending; on the contrary careful and incessantly watchful supervision and conduct of them gradually brought about solutions.

In 1893 the United States Legation in London and the British Legation in Washington were raised to the level of Embassies. It is almost impossible now to understand why this change had not been made before. Until 1893 Congress enforced a rule that the United States should not have Ambassadors in any country. As soon as Congress amended the rule, Great Britain appointed an Ambassador to Washington and was the first country to do so.

A strong effort of the imagination is required to realise the attitude of the British and American peoples and Governments towards each other from the War of 1812 down to the 'nineties. Successive American administrations starved their foreign

service. The United States had no regular diplomatic *corps*. Except the post of minister plenipotentiary, the diplomatic positions abroad enjoyed no prestige or dignity. The American people had no very strong feeling of the kinship which actually existed between them and Great Britain, and had little pride in their national representation at the Court of St. James.

On the other side of the Atlantic the attitude of the British Government towards its diplomatic representation was certainly different from that of the United States. It regarded the Washington Legation as something fairly eminent. Everybody in the Foreign Office and Diplomatic Service considered the post of minister plenipotentiary at Washington to be something of a prize, although nothing like the prize which it became later. It was regarded as spatially rather remote, not to be compared with a post in one of the great capitals of Europe. The British people, so far as it thought about diplomatic posts at all, took little interest in the Washington Legation, and was rather indifferent in its feelings towards the American people.

In the 'nineties all this changed. The United States and Great Britain swiftly came very close together. The post of diplomatic representative at Washington or London became one of the great prizes of the diplomatic or even of the political career. To what causes was this change due? It could not be the sudden elevation of the legations into embassies which produced it. The creation of the embassies was itself largely a recognition that the change was taking place, that the relations between

Great Britain and the United States were becoming yearly more important to each other, and that, consequently, the official contact of the two Governments should lack nothing of dignity. The appointment of the permanent Under-Secretary of State at the Foreign Office to the Legation at Washington had itself been evidence of the growing significance of British-American relations. His appointment as first British Ambassador when the legation was changed into an embassy was thus the natural nomination for the British Government to make. Lord Rosebery, Secretary of State for Foreign Affairs in the Liberal Administration of Mr. Gladstone which in 1892 had succeeded that of Lord Salisbury, took the momentous step. The notification was conveyed to the State Department by Pauncefote himself, in a note dated at Washington on March 21, 1893.

I have the honour to inform you that I have received instructions from Her Majesty's Principal Secretary of State for Foreign Affairs to announce to the President that the Queen has been graciously pleased to appoint me her first ambassador to the United States of America. I am to state that this act is intended as a fresh proof of the desire of the Queen and her Government still further to cement the bond of blood, sympathy and friendship, which should ever unite the two great nations that speak the English tongue, and that Her Majesty trusts that it will be so received and regarded by the President, the Government, and the people of the United States.

I am desired by the Earl of Rosebery to add that it is peculiarly grateful to his lordship to be the means of making this communication.

I beg leave in conclusion to express my deep sense of

the honour of being accredited as the first British ambassador to this great and kindred nation.

The appointment of the United States ambassador took a little longer to make, because the name of the person nominated by the President had to receive the approval of the Senate. On March 31, however, Secretary of State Gresham was able to notify Pauncefote that the advice and consent of the Senate had been given to the President's nomination of Thomas F. Bayard of Delaware to be ambassador of the United States to Great Britain. This nomination was one of Cleveland's first executive acts in his second Administration. Bayard was a distinguished public man, and had himself been Secretary of State in Cleveland's first Presidency. In acknowledging Mr. Gresham's note Pauncefote wrote:

> In thanking you for that courteous communication, a copy of which I will not fail to transmit to my Government, I beg leave to express not only my gratification at this prompt response to the initiative of my august Sovereign in appointing me her first ambassador, but also the pleasure with which I have learned that the choice of the President has fallen upon one so highly distinguished and so eminently fitted to discharge the functions of his very important diplomatic post.
>
> I heartily concur with you in the belief that the new step taken in the appointment of ambassadors in London and Washington respectively, marks an epoch in the growth and perpetuation of the good will which exists between the two countries and which it will be my greatest aim, as it will doubtless be the desire of Mr. Bayard, to promote.

In accordance with the Act of Congress, March 3, 1893, authorising the President to raise the grade of

United States envoys to correspond with the rank in which foreign countries accredited their agents at Washington, the legations of the United States to Great Britain, France, Italy, Germany and Russia were all raised to the rank of Embassy about the same time. As the British Government had been the first to take the step, its representative for the time being became the *doyen* of the diplomatic corps at Washington. Thus Pauncefote became especially prominent among his colleagues, for it fell to him to lead them or to represent them in any collective step which they decided to take while he was Ambassador.

CHAPTER XVII

AN ARBITRATION TREATY THAT FAILED

Some failures are the beginning of great things. In a good cause it is better to have tried and failed than never to have tried at all. Although the great arbitration pact of 1897 did not pass the United States Senate, it constituted a link in a chain which was to lead to the successful enactment of the Bryce-Root Treaty of 1908. This latter treaty, however, has a much narrower scope than was intended by the Pauncefote-Olney instrument of 1897.

The Behring Sea Arbitration was not popular in the United States, yet the general good sense and humanity of the American people never really wavered. In 1890, both Houses of Congress, by concurrent resolution of February 14 and April 3, had invited the President to initiate from time to time, as fit occasions should arise, negotiations with any governments with which the United States had diplomatic relations, with a view to promoting international conciliation. As between the United States and the government in question, it was intended that any disputes which could not be adjusted by diplomatic agency should be referred to arbitration and peaceably adjusted.

Nothing happened for three years. Then atten-

tion was drawn in the British House of Commons to this motion, and it was resolved (July 16, 1893) "that this House, cordially sympathising with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready co-operation to the Government of the United States upon the basis of the foregoing resolution." Pauncefote, who was on summer holiday with his family at Newport, forwarded a copy of the Commons' resolution to Secretary of State Gresham with this message: "I am desired to state that Her Majesty's Government have pleasure in bringing this resolution to the knowledge of the Government of the United States, and that they would be glad if the President should see fit to bring it before both Houses of Congress."[1] President Cleveland responded warmly to this message and undertook to bring the resolution before Congress in his forthcoming message. In his note to Pauncefote, conveying this intelligence, Mr. Gresham added: "The House of Commons has afforded a most gratifying proof of the sentiment of the two nations in favour of the settlement of international disagreements by honourable resort to impartial arbitration, a mode of adjustment of which the United States and Great Britain have, by mutual accord, given to the world conspicuous illustration on several recent occasions."[2] On the same day Mr. Cleveland's message was sent to Congress with this paragraph:

It affords me signal pleasure to lay this parliamentary

[1] Pauncefote to Gresham, August 9, 1893, in *Foreign Relations of the United States*, 1893, p. 346.

[2] Gresham to Pauncefote, Dec. 4, 1893.

resolution before Congress and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favour of the rational and peaceful settlement of international quarrels by honourable resort to arbitration.

Everything thus was properly in train for the negotiation of a general arbitration treaty berween Great Britain and the United States. There was the British Ambassador to whom settlement by diplomatic or juridical means was as his daily bread ; there were a President, Secretary of State and Congress, all alike publicly committed to the cause of arbitration ; and at London there were also a Cabinet and House of Commons which had likewise published their desires to further the same cause. A very disturbing dispute between Great Britain and the United States over the Venezuela Boundary which was going on at this time further encouraged both Governments to press forward their plan for a general arbitration treaty. Nothing definite, however, beyond a preparation of the ground by the passage of favourable resolutions and exchange of notes had been accomplished when Secretary of State Gresham died on May 28, 1895.

Gresham's successor at the State Department was Richard Olney, a Boston lawyer, fifty-nine years old, who was already in Cleveland's Cabinet as Attorney-General. Olney was in many respects not unlike Pauncefote ; and as the work of the two men was to be carried on chiefly by personal contact and conversation, this fact was of high importance. Secretary of State Gresham's manner had been distinctly informal—" saunterings in hotel corridors, shirt-

sleeve appearances in the State Department." Olney, on the other hand, was a little formal in manner, just as Pauncefote was himself, and very scrupulous about all the official proprieties. In the small community that was Washington before the Spanish-American War, "the semi-official character of the city's continual dining and receiving had made it the easiest of active social *milieux* for a man of Olney's rather formal manners and great reserve to drop into naturally." [1] It was for exactly the same reasons that Pauncefote was able to fit so easily into Washington society. Moreover he and Olney were both lawyers as well as diplomatists. In temperament and by training they had common grounds of approach. The Arbitration Draft Treaty was made in conversations between them.

For a time the arbitration design made little headway, for the dispute about Venezuela absorbed a great amount of British-American diplomatic energy. The Liberal Government of Mr. Gladstone passed, in March 1894, into that of Lord Rosebery; and Lord Rosebery's in June 1895 gave place to a Conservative Government of Lord Salisbury. In 1896 Lord Salisbury thought that the Venezuela dispute might be settled by inclusion in the scheme for general arbitration. So he instructed Pauncefote to take up the scheme again with Secretary of State Olney. Lord Salisbury was essentially cautious. "A system of arbitration," he wrote to Pauncefote, "is an entirely novel arrangement, and therefore the conditions under which it should be adopted are not likely to be ascertained antecedently. . . . It would

[1] *Richard Olney and his Public Service*, by Henry James (1923), p. 78.

be wise to commence with a modest beginning, and not to hazard the success of the principle by adventuring it upon doubtful ground." In effect, Salisbury's scheme was for arbitration which should be "general and obligatory for limited categories of dispute," but it "did not contemplate *universal* arbitration between the two countries." [1]

Olney, on the other hand, was boldly in favour of arbitrating all classes of disputes, although he would not allow the Venezuela dispute to be left for settlement under the general treaty; that dispute was to be kept as a thing apart. Subject to this reservation, he showed himself extremely sympathetic. Writing to Pauncefote on April 11, 1896, he said: "These proposals of H.M. Prime Minister are welcomed by the President with the keenest appreciation of their value and of the enlightened and progressive spirit which animates them. So far as they manifest a desire that the two great English-speaking peoples of the world should remain in perpetual peace, he fully reciprocates that desire on behalf of the Government and people of the United States."

Pauncefote was ready to help forward the cause of peace by every means. So he laboured with the one hand to construct an *ad hoc* agreement about Venezuela, and with the other to collaborate in the drafting of a general arbitration treaty. This last matter was successfully achieved in the course of many conferences with Mr. Olney.

The earnest desire of the United States Secretary of State was that the General Arbitration Treaty should not have the air of a scheme devised "for

[1] James, *Richard Olney*, p. 144.

show rather than for substantial use." Both Governments were eager to make a treaty, although with some reserves. British public men in general, it was said, had a certain dread of arbitration since the Geneva affair of 1871-72.[1] The American nation as represented by the Senate was also very apprehensive concerning the policy of tying its hands for the future. Neither Government was willing to accept arbitration upon issues in which the national honour or territorial integrity was involved. "But in the wide region that lies within this boundary" the United States was ready to go further than Great Britain.[2] Lord Salisbury was of opinion that as arbitration was somewhat of a new thing its limits could not be settled beforehand but only by experience. In particular he feared the effect of arbitration upon the overseas dominions in the British Empire. It would be easy, and would cost practically nothing for a weaker power (like Venezuela) to bring a territorial claim against Great Britain; and then, if it were settled by arbitration, Great Britain would almost inevitably suffer because arbitrators tend either to make a compromise on every claim, or else to favour the weaker party. A few such verdicts at the expense of a British colony or dominion might soon result in the breaking-up of the Empire.

Lord Salisbury also felt that "in the existing condition of international sentiment" it would be difficult, perhaps impossible, to find impartial arbiters.

[1] John Hay to Olney, July 31, 1896, in James, *Richard Olney*, Appendix IV., p. 248.

[2] Salisbury to Pauncefote, March 5, 1896, *ibid.* p. 255.

By whatever plan the tribunal is selected, the end of it must be that issues in which the litigant states are most deeply interested will be decided by the vote of one man, and that man a foreigner. He has no jury to find his facts; he has no court of appeal to correct his law; and he is sure to be credited, justly or not, with a leaning to one litigant or the other. Nations cannot afford to run such a risk in deciding controversies by which their national position may be affected or a number of their fellow-subjects transferred to a foreign rule.[1]

President Cleveland and Mr. Olney were ready to go a little further than Lord Salisbury. Mr. Olney pointed out that a closely restricted arbitration treaty would only deal with such disputes as were not in any case likely to lead to war between two civilised nations. The United States Government was therefore in favour of a treaty which would make all disputes *prima facie* arbitrable, unless Congress or Parliament (*not* the Administration or Cabinet) should intervene to displace the jurisdiction.

Pauncefote's duties in regard to these negotiations were primarily to pass Lord Salisbury's views on to the State Department, and also to pass on the views of Mr. Olney, as set forth in his dispatches, to the Foreign Office. At the same time he was in continual personal contact with Mr. Olney; and his unquestioned knowledge and judgment in matters of international law and diplomacy enabled him to give just the degree of elasticity to the proposals which written notes are bound to lack. His dispatches to the Foreign Office contain numerous suggestions for improvement of the drafting of the articles of the Arbitration Treaty; these suggestions always begin

[1] Salisbury to Pauncefote, *ibid.*

with some tactful phrase such as : " it struck me that it would be advantageous to add. . . ."

Olney on his side was extremely accommodating and open-minded. He was not set in his own opinions nor wedded to any special formulae. To the very end of the negotiations he displayed this helpful elasticity. On December 11 (1898) he called on Pauncefote, who reported to Lord Salisbury : " Mr. Olney said that in a matter of such importance as this Treaty he had no hesitation in ' going back upon himself,' and offering even at this late stage of the negotiations to accept any suggestions which seem to him to improve the Treaty or to remove objections to it, whether real or captious."

The heads of the Arbitration Treaty as finally signed by Pauncefote and Olney on January 11, 1897, were as follows :

Article 1 stated that : " The high contracting parties agree to submit to arbitration in accordance with the provisions and subject to the limitations of this treaty all questions in difference between them which they may fail to adjust by diplomatic negotiation." In effect the treaty provided for the final and absolute settlement of everything, except disputes concerning territory, by an arbitral tribunal consisting of five jurists of repute, two to be chosen by each of the contracting parties, and the fifth, who was to act as umpire, to be chosen by these four. A majority award was to be final.

Controversies involving the determination of territorial claims were to be submitted to a tribunal of six : three chosen by the President of the United States from the Judges of the Supreme Court or from

the Justices of the Circuit Courts; and three to be chosen by Her Britannic Majesty from the British Supreme Court of Judicature or the Judicial Committee of the Privy Council. An award by a majority of not less than five to one was to be final. An award made by less than the prescribed majority was also to be final, unless protested by one of the contracting parties. If protested, the award was to be of no validity, but in no case was there to be resort to hostile measures of any description, "until the mediation of one or more friendly Powers has been invited by one or both of the high contracting parties." The treaty was made to endure for five years.

Leading organs of the press in Great Britain and the United States greeted the signature of the treaty with enthusiasm. When, as is required by the United States Constitution, the treaty went before the Senate for approval, it was referred to the Committee for Foreign Relations, which was still discussing it when Cleveland's term of the Presidency expired in March (1897). The new President, Major McKinley, was a Republican, but his opinion concerning arbitration did not differ from that of Mr. Cleveland. He warmly commended the Olney-Pauncefote treaty to the Senate. "Since this treaty," he urged, "is clearly the result of our own initiative, since it has been recognised as the leading feature of our foreign policy throughout our entire national history—the adjustment of difficulties by judicial methods rather than by force of arms—and since it presents to the world the glorious example of reason and peace, not passion and war, controlling the relations between

two of the greatest nations of the world, an example certainly to be followed by others, I respectfully urge the early action of the Senate thereon, not merely as a matter of policy but as a duty to mankind. The importance and moral influence of the ratification of such a treaty can hardly be overestimated in the cause of advancing civilisation." [1] Nevertheless the Senate failed to ratify. The voting (May 5, 1897) was 43 for, 26 against: thus the necessary two-thirds majority was not attained. "The result was a disappointment to the President and his intimate friends." [2]

It was likewise a deep disappointment to Pauncefote; indeed an intimate friend said later that he never recovered from the blow. Two days after the rejection by the Senate he wrote to Lord Salisbury:

> The Treaty as it originally stood provided a permanent and automatic system of arbitration. It defined the questions coming within its scope. It provided the necessary machinery for carrying out the object of the Treaty in all classes of cases. It afforded every guarantee for the attainment of a just and impartial award.
>
> It is not surprising, therefore, that it was received with acclamation all over the country, and endorsed by two successive Presidents.
>
> But the Senate, in its jealousy of the Executive, absolutely disregarded public opinion. It determined to retain absolute control over every case of arbitration, and for that purpose to destroy the Treaty by amendments which reduce it to a mere agreement to arbitrate any dispute, provided it be with the consent of the Senate, and on such terms and on such conditions as the Senate might choose to prescribe.

[1] Quoted by J. F. Rhodes in *The McKinley and Roosevelt Administrations* (1922), pp. 40-41.

[2] *Ibid.* p. 41.

The General Arbitration Treaty, although it failed to pass, is a definite contribution to the great system for settling international disputes through agreement, a system which, although by no means complete, is now definitely established and at work. When the Senate rejected the General Arbitration Treaty, the *New York Herald* wrote: "The Treaty elicited a spontaneous outburst in favour of peace and mutual good-will on both sides of the ocean. In exciting this sympathetic feeling, the purpose of the Treaty has been achieved."

In order to meet the objections of the Senate, as shown in the amendments to the General Arbitration Treaty, the State Department in concert with Pauncefote prepared a new draft which it was hoped that the Senators would pass. President McKinley, however, after consultation with the Chairman of the Foreign Relations Committee, decided not to introduce the new bill in that session, "on account of the strong feeling and tension to which the debate on the Tariff has given rise." [1] Lord Salisbury, when informed of this decision, wrote to Pauncefote, June 3, 1897: "Her Majesty's Government will gladly resume the discussion of the proposed Treaty whenever in the judgment of the United States Government the matter shall be ripe for the Senate's favourable consideration."

The history of the quarter of a century or more, which has passed since the Senate rejected Cleveland's General Arbitration Treaty, leaves little room for doubt that American public opinion, and that of the civilised world, hold verdicts of arbitration nearer to justice than verdicts

[1] Pauncefote to Salisbury, May 24, 1897.

won in battle. Their steady increase, and ready acceptance, itself constitutes a demonstration of this fact. Between 1900 and 1903, fifty-four controversies were adjusted between individual nations by arbitration, and, since 1899, when forty-three nations, including Great Britain and the United States, established the Court of Arbitration at the Hague, fifteen cases have been voluntarily referred to it for arbitration and have been peacefully adjusted.[1]

If the Pauncefote-Olney General Arbitration Treaty had come into force, the pace of the progress of arbitration would doubtless have been much faster. Cleveland, in recommending the Treaty to the Senate, had written that it would " mark the beginning of a new epoch in civilisation." Olney said that its rejection was " a calamity, not merely of national, but of world-wide proportions."

[1] R. McElroy, *The Pathway of Peace* (1927), 180.

CHAPTER XVIII

VENEZUELA

A PECULIARITY of diplomatic communication between any two Governments is that it avails itself regularly of two separate "lines." The Foreign Office receives dispatches from the State Department which sends them through the United States Ambassador in London. The Ambassador delivers them or reads them at the Foreign Office with or without comment according to his instructions. He also holds important conversations with the Secretary of State for Foreign Affairs or with the Permanent Under-Secretary. The Foreign Office on its part communicates with the United States Government, sending dispatches to the British Ambassador at Washington for delivery to the State Department. The British Ambassador also converses with the Secretary of State or high officials of the State Department. Obviously conversations on the same matter cannot go on simultaneously at both ends of the diplomatic lines, otherwise confusion would occur. If the Foreign Office entrusts the British Ambassador at Washington with the task of discussing a complicated question by word of mouth with the Secretary of State, it would be unwise for the Foreign Secretary at Downing Street to discuss the same question with the United States Ambas-

sador, because between the London and the Washington conversations discrepancies would arise and would create misunderstandings. Acting on this principle Lord Salisbury and Olney at first tried to settle the Venezuelan affair, so far as it could be settled by personal conversations, through conferences of Mr. Bayard, United States Ambassador, at the Foreign Office. This method was followed until the end of February, 1896. After this time, in the last critical months of the affair, the conversations were transferred to Washington and were conducted by Pauncefote and Olney.

The Venezuelan affair, although it did not become "active" until 1895, was very much older. When in 1814 the British Government took over the colonies of Essequibo, Demerara and Berbice (henceforth to be called by one name, British Guiana) from the Dutch, the boundary towards Venezuela was undefined. As the white population was sparse and settlement thin, the vagueness of boundaries was of little practical importance at the time. Towards the middle of the century, however, the British Government thought that it ought to know where it stood. Accordingly it commissioned Sir Robert Schomburgk, a traveller who had already carried out explorations in the debated region under the patronage of the Royal Geographical Society, to survey the western boundary of British Guiana. He did his work so thoroughly that the boundary which he mapped out and demarcated practically held the field amid all the subsequent disputes; and it is substantially the frontier of British Guiana to the present day. The British Government would have been

content with the Schomburgk line if the Venezuelan Government would have conceded it. As the Venezuelan Government, however, refused to do so, the British Government reserved its liberty to claim a great deal more, west of the line, to which it believed itself to be entitled.

The history of Venezuela in the nineteenth century since its liberation from Spain by Bolivar is a history of military dictators. Of these one of the most vigorous and one of the best was Guzman Blanco. He controlled the country for nearly twenty years after 1870. "He occasionally permitted someone else to be President, though he always found a pretext for intervention."[1] Being a strong-willed and fairly efficient despot, Guzman Blanco took a generous view of his country's claims to territory in the disputed region. Finding that the British Government seemed to take the Schomburgk line as its minimum frontier, Guzman Blanco withdrew the Venezuelan Minister from London (1887). Thus the two countries were no longer in diplomatic relations with each other.

The United States Government felt a deep interest in all territorial questions arising between a European and an American State. In 1887 the first Cleveland Administration was in office. Thomas F. Bayard, who was afterwards Ambassador to Great Britain, was Secretary of State. He made an offer, through E. J. Phelps (United States Minister in London) of mediation and arbitration. Lord Salisbury declined because, in the view of the British Government, the conduct of Venezuela precluded Great Britain from

[1] W. W. Sweet, *A History of Latin America* (1919), p. 179.

accepting the arbitration of a third Power.[1] An "earnest protest" sent by Secretary Bayard on February 17, 1888, to Mr. Phelps for presentation to Lord Salisbury was not delivered by the American Minister. Mr. Phelps thought that it would be of no use to make the protest in this form unless the United States was prepared, if necessary, to follow it up with the employment of force. Consequently he withheld delivery of the dispatch to the Foreign Office and informed Mr. Bayard, who appears to have assented to this procedure. Phelps' letter, however, was forgotten in the files, and the protest was printed in the United States Official correspondence, *Foreign Relations*, for 1888; and in the second Cleveland Administration, the President himself and Olney were under the impression that the Foreign Office had received the protest and had merely disregarded it. This perhaps accounts, or partly accounts, for the idea which Cleveland and Olney had so firmly fixed in their minds in 1895 that the British Government was simply procrastinating, and that nothing but a serious "jolt" would bring them to the point of settling the Venezuelan affair once and for all by some judicial settlement.[2]

Between Cleveland's first Administration which ended in 1889 and his second which began in 1893 a further attempt was made to settle the Venezuelan affair on the basis of United States mediation. This offer was made by Mr. Blaine, Secretary of State

[1] See Salisbury to Phelps, February 22, 1887, in *Parliamentary Papers*, xcvii. p. 914.

[2] For Bayard's dispatch, Feb. 17, 1888, see *Foreign Relations of the United States*, 1888, Part I., Doc. No. 508. For the facts about its non-presentation by Mr. Phelps see James, *Richard Olney*, Appendix IV., pp. 221-222.

under President Harrison. Lord Salisbury " agreed to submit to arbitration any questions in respect to territory west of Schomburgk's line of 1840, but insisted on admission of the British claim to all parts to the east of that line." Venezuela, on the other hand, wished for only " unreserved arbitration." [1]

It is important for a just appreciation of the crisis which arose between Great Britain and the United States to realise how old and how constant was the interest of the United States in the Anglo-Venezuelan dispute. Mr. Cleveland had tried to mediate in the dispute during his first Administration. When he came to the White House for the second time he found that President Harrison had also, unsuccessfully, been trying to mediate. In his message to Congress, December 3, 1894, Cleveland pointedly wrote :

> The boundary of British Guiana still remains in dispute between Great Britain and Venezuela. Believing that its early settlement on some just basis alike honourable to both parties is in the line of our established policy to remove from this hemisphere all causes of difference with Powers beyond the sea, I shall renew the efforts heretofore made to bring about a restoration of diplomatic relations between the disputants and to induce a reference to arbitration—a resort which Great Britain so conspicuously favours in principle and respects in practice, and which is so earnestly sought by her weaker adversary.[2]

This explicit announcement found a ready response in Congress, which on February 22, 1895, passed a joint resolution recommending the Presi-

[1] This is the version of the British and Venezuelan claim as given by Secretary of State Gresham in a letter to Minister Bayard, July 13, 1894. See *Foreign Relations of the United States*, 1894, p. 250.

[2] Quoted in James, *Richard Olney*, p. 101.

dent's suggestion of friendly arbitration to both countries. "When, however, Bayard, whose rank had now been raised to that of Ambassador, called at the Foreign Office he was told that Her Majesty's Government, while ready to go to arbitration, could not consent to any departure from the Schomburgk line." This was the answer of Lord Kimberley who was Secretary of State for Foreign Affairs in Lord Rosebery's Liberal Government of 1894-95. The reply convinced Mr. Cleveland that it was now the settled policy of whatever British Government was in office to keep the territory claimed against the Venezuelan Government. This territory might properly be Venezuelan or not; if the insistence of Great Britain "should result in the possession and colonisation of Venezuelan territory by Great Britain, it seemed quite plain that the American doctrine which denies to European Powers the colonisation of any part of the American continent would be violated." [1] Cleveland and Olney, therefore, believing that the whole validity of the Monroe Doctrine was at stake, resolved to bring Great Britain to the point either of settlement of the Venezuelan affair or of refusal—even at the risk of war, although they earnestly hoped that this would not occur.

Mr. Olney had first to make himself thoroughly familiar with the complete file of the Venezuelan affair. Then he sat down and proceeded to think out and draft a dispatch for presentation to the British Government. By July 2 (1895) the draft was ready. He took it out from Washington to Grey Gables, the

[1] *Presidential Problems*, 252-4.

country residence of Cleveland, and left it there. Then he went to his own country-place at Falmouth and waited in great anxiety. Four days later he was relieved by a letter from the President, written from Grey Gables, and warmly approving of the draft. Cleveland did indeed say that he would suggest some changes in the direction of "a little more softened verbiage," but in the end he did not carry out this purpose. "The draft copies in Olney's papers show no important difference from the final dispatch."[1] On July 20 (1895) the dispatch was forwarded to the Foreign Office through Ambassador Bayard.

The contents and tenor of this dispatch have inevitably become very famous. It is a long document containing a historical analysis of the Anglo-Venezuelan dispute; an explanation of the Monroe Doctrine; a statement of the interest of the United States in the whole affair; and finally something which could legitimately be regarded as a simple ultimatum from the United States to the British Government. The United States, wrote Mr. Olney, "had made it clear to Great Britain and to the world that the controversy is one in which both its honour and its interests are involved." He quoted at length from the Monroe Message of 1823, which declared America to be closed to further colonisation by any European State; and he added: "it was futile to lay down such a rule unless its observance could be enforced." He called "for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan Boundary Question in its entirety to impartial arbitration;" and he

[1] James, *Richard Olney*, p. 111.

asked for a reply in time for the President to take note of it in his next annual message to Congress. Mr. Olney's biographer acknowledges that: "According to usage Lord Salisbury would, in the light of this last request, have been at liberty to take the note as an ultimatum." [1]

Besides its demand for a reply with time-limit, and besides its statement of the Anglo-Venezuelan affair, and its explanation of the Monroe Doctrine, Mr. Olney's note contained some remarks which were not necessary at all for his main argument and which were certain to be offensive to Great Britain and to many other states. Such were:

> That distance and three thousand miles of intervening ocean make any permanent political union between a European and an American state unnatural and inexpedient will hardly be denied. . . . Whether moral or material interests be considered, it cannot but be universally conceded that those of Europe are irreconcilably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. . . .
>
> To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition.

Mr. Bayard who, like all trained diplomatists, believed in the velvet glove even if the fist is mailed, was obviously perturbed on receiving this remarkable dispatch. Lord Salisbury was away from London and did not return until August 7, when Mr. Bayard had an interview with him, read the dispatch, and communicated the "grave instruction" [2] demanding a reply.

[1] James, *Richard Olney*, p. 109. [2] Bayard to Olney, August 9, 1895.

Lord Salisbury listened patiently to Mr. Bayard's reading of the long dispatch. At the conclusion, he courteously thanked the Ambassador, and expressed regret and surprise that it had been considered necessary to present so far-reaching and important a principle and such wide and profound policies of international action in relation to a subject so comparatively small. With regard to the demand for an answer he said: "To make proper reply to so able and profound an argument, on a subject so important in its relations, would necessarily involve a great deal of labour, and possibly of time, both of which would certainly be bestowed. . . . That it was evident the questions raised by the instruction might give rise to a long and difficult discussion and much controversy, but that an answer would be made." [1]

Quietly disregarding the fact that the concluding words of the Olney dispatch could be regarded as an ultimatum, Lord Salisbury took all the time that he required to study it and to frame an answer. The matter was very delicate and difficult; the Law Officers of the Crown had to be consulted and given opportunity to frame opinions; policy had to be discussed with colleagues; and the long reply when drafted had to be carefully revised. The Foreign Office is always very busy, and important state dispatches, when every word must be weighed, ought not to be indicted in a hurry. Still, it might have expedited the sending of the dispatch just a little. To allow August, September, October and November to pass without any reply reaching the State Department was bound to be galling to the

[1] Bayard to Olney, Aug. 19, 1895.

United States Administration which had asked for an answer within a specified (and quite ample) time-limit. Accordingly when December 2 arrived, the time for the President's annual message, Cleveland felt justified in informing Congress that a dispatch had been sent calling upon Great Britain "for a definite answer to the question whether it would or would not submit the territorial controversy . . . in its entirety to impartial arbitration." A few days later Lord Salisbury's reply, dated November 27, came in the diplomatic bag to Pauncefote at the British Embassy. As soon as he had read the contents, Pauncefote communicated with Mr. Olney, who gave him an appointment at his house for December 7. The contents of Olney's famous dispatch to which the British notes were an answer had already been communicated by the Foreign Office to Pauncefote. His own view of the dispatch was that it showed "lack of consideration." He never, however, allowed himself to be perturbed by his opinions; his relations with Olney were conducted without irritation, at least on Pauncefote's side.

Pauncefote went to Mr. Olney's residence and presented Lord Salisbury's reply which was in two separate documents, each bearing the same date. The first was a very interesting exposition, from the British point of view, of the Monroe Doctrine which, however, Lord Salisbury expressly stated, Her Majesty's Government must not be understood as officially accepting. In any case, the Monroe Doctrine did not enter into the Anglo-Venezuelan affair because, "it is not a question of the colonisa-

tion by a European Power of any portion of America," nor "of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence." Lord Salisbury also drew attention to Mr. Olney's statement that the inexpedient and unnatural character of the union between a European and American State is so obvious that it "will hardly be denied." Lord Salisbury wrote: "Her Majesty's Government are prepared emphatically to deny it on behalf of both the British and American people who are subject to the Crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient."

Having thus given a flat contradiction to that part of Mr. Olney's dispatch which was both the most challenging and the most irrelevant to the Venezuelan question, Lord Salisbury closed this section of his answer. His reply to the categorical questions of the Olney dispatch about arbitration was contained in a separate note and amounted to a refusal of unrestricted arbitration. Her Majesty's Government had claims to a wide extent of territory. "A portion of that claim, however, they have always been willing to waive altogether; in regard to another portion they have been and continue to be perfectly ready to submit the question of their title to arbitration. As regards the rest, that which lies within the so-called Schomburgk line, they do not

consider that the rights of Great Britain are open to question."

This long answer of the British Secretary of State was expressed with all the suavity and good temper of the Foreign Office, but it really amounted to saying that the Anglo-Venezuelan affair was scarcely the concern of the United States. Pauncefote had nothing to do except, like the conciliatory Bayard four months earlier when presenting the Olney dispatch at the Foreign Office, to try and keep the controversy "in the atmosphere of serene and elevated effort." [1] Olney, however, found the reply very uncongenial. He had demanded unrestricted arbitration and it had been refused—and refused in somewhat didactic language "which does not seem very remarkable as one reads over the correspondence to-day, but was, in point of fact, resented in the United States." [2] The reply, of course, was for some time only known to Olney and Cleveland. After Pauncefote's interview of the 7th, another message came to him from the Foreign Office. He immediately wrote:

British Embassy, Washington,
December 10, '95.

Dear Mr. Olney,

Last night I received a telegram from Lord Salisbury to the effect that Her Majesty's Government propose to publish immediately your dispatch to Mr. Bayard of July 20 on the Venezuelan Boundary Question and his own two dispatches to me of which I left copies with you on the 6th, and he directs me to ascertain whether there is any objection on the part of your Government to

[1] This was Bayard's phrase; see James, *Richard Olney*, p. 114.

[2] James, *op. cit.* p. 118.

such publication. Would you kindly inform me at what hour I may call at the State Department to receive your answer to that enquiry?

I remain,
Yours very truly,
JULIAN PAUNCEFOTE.

Olney replied that he was somewhat surprised at the message, but he gave Pauncefote an appointment for next day, December 11. When the interview took place he seems to have persuaded Pauncefote not to urge the request for publication, which accordingly was dropped for the time being.

President Cleveland had been away for about a week on a fishing-holiday, and did not return to the White House until Sunday afternoon, December 15. Olney and he then went into conference. After this the President sat at his desk until dawn writing his message, obviously in something like a white heat. On Tuesday morning there was a Cabinet Meeting at which the Message was read. On the same day, December 17, it was sent to Congress. The most pertinent passage of the famous Message is:

> The dispute has reached such a stage as to make it now incumbent on the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. . . . When such report is made and accepted it will, in my opinion, be the duty of the United States to resist by every means in its power, as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands, or the exercise of governmental jurisdiction over any territory, which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow.

When Pauncefote read this message in the daily press he found that all America was taking it almost as a summons to war. For the President had taken the Anglo-Venezuelan affair as involving the integrity of the Monroe Doctrine. " So irresistible is the spell which its very name casts over the American people, that the majority would probably have supported with enthusiasm a war popularly regarded as being waged for its defence, especially since Great Britain was the offender." [1]

[1] J. W. Garner, *American Foreign Policies* (1928), p. 108.

CHAPTER XIX

THE SOLUTION OF THE WAR CRISIS

THERE can be no doubt that in the United States most people believed that war was likely to occur.[1] The President's action was popular. Congress gave him the appropriation which he asked for, without any opposition at all in the House of Representatives, and with little trouble in the Senate. The press in the United States, with the exception of the *World* and a few other journals, seemed to support Mr. Cleveland's action. On the other hand, "the pulpit thundered against the President."[2] The market on the New York Stock Exchange "broke," with the result that "certain large business interests condemned the message." The political situation was undoubtedly tense, but not for long. To Lord Salisbury Pauncefote wrote on December 24 (1895), seven days after the President Cleveland's declaration: "The extraordinary state of excitement into which the Congress of the United States and the whole country were thrown by the warlike message of the President on the occasion of the publication of the Venezuela Boundary correspondence has given way at the moment to consternation at the financial panic which it caused. The episode presents an illustration of the singular want of knowledge which prevails generally

[1] Rhodes, *History of the United States* (1920), viii. 448. [2] *Ibid.*

in the United States in regard to pending diplomatic questions. . . . The most eminent jurists of the country condemn him (Cleveland), as do also the bishops and the clergy. In the meantime a strong undercurrent has commenced to flow in opposition to the warlike attitude of the President."

At the meeting of the Senate on December 20, three days after the President's message, the Rev. W. H. Milburn, Chaplain, opened with the prayer: "Forbid that the two foremost nations of the world which bear the name of Christ, with one language, one faith, one baptism, one Lord, should be embroiled in war in all its horrors and barbarities."

MR. MITCHELL (of Oregon): I ask unanimous consent that the invocation of our chaplain this morning may be spread at length in the Record.

THE VICE-PRESIDENT: Without objection it is so ordered. The Journal stands approved.

In the House of Representatives similar voices were being raised:

MR. MORSE: What, war with Great Britain over the boundary of Venezuela or the seals of Alaska. Why, Mr. Speaker, all the seals that ever swam in Behring Sea, all the fish that ever swam in Canadian waters, are not worth a day's war. Such a war would turn back the hands on the dial of progress and peace, goodwill and comity between nations a thousand years.

The *New York Herald*, in an article written by G. W. Smalley, was equally emphatic: "The prosperity comes suddenly to an end. In two days 400,000,000 dollars were lost. And for what? All Europe is against the President's contention and policy." [1]

[1] *New York Herald*, Dec. 22, 1896.

The English press "behaved with exemplary moderation." [1] Certainly nobody wanted war, and all prominent men were determined, so far as they were concerned, that it should not occur. Still, the United States had made its public threat, and could not recede. Great Britain, convinced that her attitude was fair, could not recede in face of a threat. All the elements that make for a war were present except one; neither side stood so much in fear of the other that it felt bound to precipitate matters lest it should lose a military advantage through delay. There were no calling up of reserves, partial mobilisations, or anything of that sort. Yet as Great Britain and the United States had taken their stand on opposing lines of conduct, and as one party held out a definite threat of war in certain eventualities, a way out had to be found or war would ensue. Pauncefote, who retained his calmness throughout the crisis, was doing all that could be done to dissipate the war-condition of the Washington atmosphere; but for the first two months of 1896 it was in London that both Governments were making their peace-effort.

The plan which eventually proved to be the means of solving the difficulty was first put forward by a retired British official of the colonial service who was living in retirement at Edinburgh. This was Sir D. Chalmers, a former Chief-Justice of British Guiana, the colony of which the boundary was the occasion of the whole dispute. Chalmers wrote on January 7, 1896, from Edinburgh a private letter to the Foreign Office in which he suggested that Her Majesty's

[1] James, *Richard Olney*, p. 123.

Government should abandon its decision to go to arbitration outside but not inside the Schomburgk line. He proposed that the Government, in place of reserving the territory within the Schomburgk Line, should consent to go to arbitration, conditionally "to the received doctrine of international law respecting the acquisition of vacant territory by possession." Thus, territory held by either Great Britain or Venezuela through long and uninterrupted possession would be excluded from the arbitration. This procedure would be according to the teaching of the book of the famous international jurist of the United States, Wheaton.

Mr. Bayard, United States Ambassador to Great Britain, was a complete believer in the affinity of the English-speaking peoples, and was entirely against any idea of a war between them. He could not, however, expect that Lord Salisbury would alter his calm but quite definite attitude. Obviously somebody outside the Government would be the best person to discuss matters with Mr. Bayard. James Bryce, a member of the Liberal Opposition and the author of the justly popular work, already a classic, on the American Commonwealth, would have been an excellent intermediary. Bryce, however, was on tour in South Africa. Lyon, Baron Playfair, a Liberal peer and eminent in science and in politics, suggested to Bayard that a conference of all the Powers which had interests in America might be summoned to consider the Monroe Doctrine and to arbitrate on the disputed territory with the exception of settlements. Olney, when informed of this proposal through Bayard, declined it, but in very

civil terms (January 14, 1896). The Playfair-Bayard conversations pointed to a way out which Chalmers had already proposed. Great Britain would consent to arbitration on all parts of the disputed territory except those already "settled" by British subjects. Olney objected that to define what were real settlements in advance of the arbitration seemed scarcely feasible (January 22). This was not a *non possumus* answer. Olney, as if anxious to be quit of the whole thing, even proposed, through Bayard, to Lord Salisbury, that Pauncefote might take up the matter by direct negotiation with the Venezuelan representative at Washington (there being all this time no diplomatic relations between Great Britain and Venezuela). Lord Salisbury, "appreciating the friendly feeling which prompted the suggestion," agreed to the proposal.[1] Venezuela, however, apparently preferred that the United States should conduct the negotiations on her behalf; to this Lord Salisbury also cordially agreed.

The difference between the parties was becoming narrower. The discussion of "settlements" went on until Olney thought the time ripe for finishing the matter by personal conference with Pauncefote. So on February 21 he instructed Bayard to arrange for the transfer of the negotiation to Washington. Lord Salisbury assented on February 27.[2] "Now that the amateur diplomatists have got through," said Pauncefote, "perhaps serious negotiations can be set on foot."

[1] Salisbury to Pauncefote, Feb. 20, 1896.

[2] Olney to Pauncefote, Feb. 28, 1896. Text in James, *Richard Olney*, Appendix IV., p. 238.

Nevertheless the situation continued to present apparently insuperable difficulties. The United States Government had appointed its Commission to ascertain what it should consider to be the truth about the proper boundary between Venezuela and British Guiana. Not merely was this done, but at the same time Secretary of State Olney sent through Pauncefote a request to the British Government "for information and other assistance." In forwarding the request Pauncefote added: "public feeling in regard to the Venezuelan question is subsiding." [1] Actually the suggestion that the British Government might co-operate came from the Commission itself, and was expressed in a form which was calculated to allay the friction; "Through its President, this Commission has suggested to the Secretary of State that being distinctly and in no view an arbitral Tribunal, but having its duty limited to a diligent and careful ascertainment of the facts, it would be grateful for such assistance to that end as could be obtained by the friendly co-operation and aid of the Governments of Great Britain and Venezuela." [2]

Her Majesty's Government, far from taking offence, put at the disposal of the Commission all the information that it possessed. With regard to the actual dispute between Great Britain and the United States Lord Salisbury seemed to have conceded the main point when he authorised Pauncefote to discuss the method of boundary-determination with the Venezuelan representative at Washington "or with

[1] Pauncefote to Salisbury, Jan. 23, 1896.

[2] Bayard to Salisbury, Feb. 3, 1896.

the Government of the United States acting as the friend of Venezuela." There still remained, however, Olney's demand that arbitration must be over a practically unrestricted area, although John Bassett Moore, the authority in the United States on international law, pointed out that arbitration was never over an undefined boundary but was always over a particular line on which the disputants had reached general agreement.

> We have arbitrated boundary disputes and so has Great Britain, but never, so far as I am informed, where a line had not previously been agreed upon by direct negotiation. Governments are not in the habit of resigning their functions so completely into the hands of arbitrators as to say, " We have no boundaries ; make some for us." [1]

Mr. Olney's demands really went further than this. The American Commission was charged to find out what it considered to be the correct divisional line between Venezuela and British Guiana ; and Great Britain had been told that she simply must accept this line. No wonder Mr. Olney was despondent, for he and Cleveland really had involved their country in something very like an *impasse*. On March 30, 1896 (a month after the negotiations had been transferred from London to Washington), Pauncefote was conversing at the State Department concerning the General Arbitration Treaty (concerning which negotiations were conducted all through the Venezuela crisis). Lord Salisbury (as has already been mentioned) objected to the very wide conditions under which Olney proposed to have the treaty

[1] Mr. Moore to Mr. Wilson (Postmaster General in Cleveland's Cabinet), *circa* Dec. 10, 1895. The letter extended to twelve pages. Substantial parts are given in McElroy, *Grover Cleveland*, ii. 184-186.

drafted. According to Pauncefote's report of the interview to Lord Salisbury :

Mr. Olney did not conceal the disappointment he felt at the rejection of his proposals which he had hoped would not only lead to the conclusion of an Arbitration Treaty, but effect a solution of the Venezuelan difficulty. That solution, he said, now seemed further off than ever, while the public on both sides of the world were indulging in the false impression that the question was in a fair way of settlement. Congress would probably close its labours by the end of May. The American Commission might issue its report at any time. That would tie down the Administration to the boundary line which it might lay down and add to the complication. Your Lordship's reply to his suggestions seemed to put an end to the negotiations.

I said that it could hardly be called a negotiation if one side asserted its own terms at the outset and declined to entertain any modification of them. . . .

Mr. Olney again declared that the United States would certainly not agree to any arrangement which did not provide for an ultimate and final settlement of the controversy or which sought to exclude from the consideration of an arbitral tribunal any portion of the territorial claim of Venezuela.

Pauncefote pointed out that Great Britain could scarcely be expected to go to arbitration on any and every claim—for example, Venezuela might claim the island of Trinidad : would Great Britain have to accept arbitration on that ?

Mr. Olney, however, was not disposed to pursue the discussion, and his tone was one of despondency, not unmixed with irritation.

He said that it appeared to him very much as if any further negotiation would be useless, and he asked what should be done now ?

In reply to this question, Pauncefote urged Mr. Olney to answer Lord Salisbury's objections, and not to "take the press into his confidence." Mr. Olney agreed.

Certainly this does not look like a conference of statesmen who had any sort of intention or apprehension of going to war. Three days later the former Minister to Great Britain, Mr. E. J. Phelps, gave an address to the Brooklyn Academy of Arts and Sciences on the Monroe Doctrine. In a fine peroration he proclaimed that people of the United States would never shrink from fighting for causes really involved in the Doctrine, but he made clear his opinion that the Venezuelan affair was not one of these. Still the hard fact remained that the Administration had demanded unrestricted arbitration and the British Government had offered only a restricted arbitration, so, as Mr. Olney wearily said to Pauncefote: "what was to be done?"

The British Government in nearly all the diplomatic crises of the last hundred and twenty-five years has employed a great source of strength in the publication of the documents bearing on the question at issue—"those dreadful British Blue-books," as Bismarck used to call them. In the summer of the year 1896 the time seemed to have arrived when the public, not merely of Great Britain but of all the world should be taken into confidence. On instructions from Lord Salisbury, Pauncefote on June 23 sought out Mr. Olney and informed him of the proposal of Her Majesty's Government, if the United States did not object, to lay before Parliament papers concerning the Venezuelan question. Mr. Olney

" appeared at first surprised and alarmed at the proposal." He pointed out that his conversations with Pauncefote had been unreserved and confidential.[1] In the regular course of his duty, Pauncefote had written out these conversations from memory and had reported them to the Foreign Office. He now showed the record to Olney who suggested certain omissions. Pauncefote advised the Foreign Office to agree to this. The " blue book " accordingly was duly edited and published.

Meanwhile the Venezuelan authorities had followed up their claims to the disputed territory by arresting a British Government surveyor called Harrison. Olney, now thoroughly disgusted with the whole business turned upon the Venezuelan minister with the sharpest of reprimands—which incidentally he communicated for information to Pauncefote : " It is most unwise, by springing new questions and adding to existing grievances, to embarrass and impede the settlement of the issues already impending between Venezuela and Great Britain, and in respect of which Venezuela has solicited and obtained the good offices of the United States. It can hardly be hoped that such good offices will be efficiently exerted if the progress of impending negotiations is to be interrupted by new and vexatious incidents." [2]

After this, Mr. Olney left Washington and went to his summer cottage for a couple of months, having already suggested to Pauncefote that the negotiations about Venezuela be suspended for an interval. At

[1] Pauncefote to Salisbury, June 23, 1896.

[2] Olney to Andrade, June 25, 1896.

the same time Pauncefote proposed to the Foreign Office that he should have leave to come to London. The proposal was accepted and he left Washington, and did not arrive back until nearly the end of October. For three months nothing happened in the negotiations between Great Britain and the United States; the crisis was not yet over, for no solution had been found. Yet a dispute which slumbered like this could scarcely be called a crisis at all. What was wanted was a formula, to act as the bridge of peace over which both the United States and the British Government were so anxious to cross.

When Pauncefote came to London in July (1896) he found everybody that could do anything, British and American alike, working to extricate his country from the absurd *impasse*. Mr. Henry White, an eminent diplomatist, a Republican and therefore not regularly employed by the Cleveland Administration, was in England on a private visit that summer. He was in touch with the leading men in politics, both Conservative and Liberal, with Lord Salisbury and A. J. Balfour who were in the Government, with Sir William Harcourt, the Leader of the Opposition, and with Lord Rothschild the doyen of the commercial world. Mr. White was able to put the views of one Government to the other in the atmosphere of moderation and reasonableness which is characteristic of all his diplomacy. John Hay also, who moved so easily in the high official life of Washington and London, had informal conversations with Sir William Harcourt and with James Bryce. The latter had now come back from his tour in South Africa. Hay gathered (but this may only have been

the Opposition's view) " that most of the leading men are convinced that Lord Salisbury's tone a year ago was a mistake, and that our (U.S.A.) attitude is, on the whole, reasonable." [1]

When Pauncefote went to London he was at once put in touch not merely with his chiefs at the Foreign Office and with the Cabinet, but also, such were the conditions then governing English politics, with the leading men of the Opposition. He arrived shortly after the prorogation of Parliament. His first duty, naturally, was to see Lord Salisbury and to ascertain the Secretary of State's views and decisions. Shortly afterwards he called upon Sir William Harcourt, who was living at his sister-in-law's house, 32 St. George's Road, Eccleston Square. " I have come to see you, Sir William," said Pauncefote, " about Venezuela." Harcourt interrupted him saying, " Do you think that is wise ? My attitude on the subject is well known, and if you come to me it may embarrass you in your communications with the Prime Minister." Pauncefote replied, " Sir William, I come to you with Lord Salisbury's knowledge, and at his suggestion, in order that you shall suggest the terms in which the decision shall be announced to refer the Venezuelan difficulty to arbitration." Harcourt turned to his son who was present and said : " Sit down and write this," and proceeded to dictate a form of words which, after some slight corrections, were taken away by Pauncefote to Lord Salisbury at the Foreign Office.[2]

[1] Hay to Olney, July 31, 1896 (text in James, *Richard Olney*, Appendix IV., p. 248).

[2] A. G. Gardiner, The Life of Sir William Harcourt (1923) II., 402 n.

The suggestion first made by the former Chief Justice Chalmers of British Guiana had become the accepted means of peace. Settlements were to be excepted from any arbitration concerning the Anglo-Venezuelan frontier; and the trouble had now fined itself down to the question of the length of occupation necessary to create an excepted settlement. Mr. Olney, in spite of his obvious intention and desire of seeing a quiet ending to the dispute, had shown a very stiff attitude towards the British proposals concerning settlements. The British Government wished that all settlement or occupation (British or Venezuelan) which extended continuously over a period of forty years should be excepted from arbitration.

Harcourt was in favour of satisfying the last demand which Mr. Olney had made before the suspension of negotiations (June 12). The demand was that the "settled districts," which Lord Salisbury wanted to keep out of the award should be "left to the decision of the arbiters." This did not quite meet Lord Salisbury's view, but Harcourt told Mr. White in a private letter that he had recently had several conferences with Pauncefote and that "the latter is extremely reasonable and anxious for a settlement on the basis you and I desire. And I finally received assurances which to me were quite satisfactory, and Pauncefote informed me that he had received instructions which he had no doubt would lead at once to a final and conclusive arrangement." Harcourt asked White to use his influence with Olney to make him give way too, "now that the substance of the matter is conceded."

Pauncefote returned to Washington. From there he wrote on October 29 to Lord Salisbury, reporting an interview with Mr. Olney : " I have brought the utmost pressure to bear upon him, and used every argument in favour of a further reduction, but without success." Mr. Olney thought that the most to which the Venezuelan Government would agree would be the excepting of settlements of sixty years' duration, but he himself suggested fifty years. This was the term ultimately accepted by all parties, although not until some more months had elapsed.

On December 30, 1896, President Cleveland was able to announce to Congress that the Venezuelan affair was no longer causing any difference between the two Governments. In the Queen's Speech on the opening of Parliament on January 15, 1897, it was stated : " My Government have discussed with the United States, acting as the friend of Venezuela, the terms under which the pending questions of disputed frontier between that Republic and my colony of British Guiana may be equitably submitted to arbitration. An arrangement has been arrived at with that Government which will, I trust, effect the adjustment of existing controversies without exposing to risk the interests of any Colonists who have established rights in the disputed territory." Sir William Harcourt in a reply to the Queen's Speech congratulated the Government on the satisfactory negotiation regarding Venezuela and also on the signature of the General Arbitration Treaty with the United States and added :

Those who have had to watch, as I have had to watch, the conduct throughout these matters of Mr. Secretary

Olney will have recognised his real desire for peace and the great ability he has shown—(cheers)—and when I speak of Sir Julian Pauncefote I speak of a man of unrivalled abilities, of one of the most helpful and accomplished servants of the Crown.[1]

Pauncefote felt that peace between the United States and Great Britain was now securely established; he wrote to Harcourt (February 16, 1897) from Washington to which he had returned: "Good words from such a quarter make a lasting impression on the public mind and can never be forgotten by me."[2]

On February 2, 1897, a treaty was concluded between Great Britain and Venezuela (not with the United States). It was signed by Pauncefote and Andrade (President of Venezuela, on special Mission to Washington), and it stipulated that the Venezuelan-British Guiana Boundary should be determined by an Arbitral Tribunal, but adverse holding of prescription during a period of fifty years should make a good title.

A few weeks after the signature of this treaty, happily solving the dispute, the American Commission which President Cleveland had appointed to find out "the true divisional line" published its Report (March 1, 1897). In this Report the Commission properly acknowledged that it had no authority to bind the Governments of Great Britain and Venezuela, and that its findings could be ignored. It claimed, however, that its appointment had "promptly allayed the apprehensions of war." By the time the Commission reported, the British and

[1] *Hansard*, fourth series, xlv., p. 51.

[2] Gardiner, *op. cit.* ii. 404.

United States Governments had already come to an agreement to proceed to arbitration: accordingly the Commission "refrained from laying down a frontier line, but reported a mass of material, some fourteen volumes in all, with an atlas containing about seventy-five maps, all of which formed a most valuable contribution to the material laid before the Court of Arbitration in Paris." [1]

The actual decision was to be given by an Arbitral Tribunal, set up under the Treaty of February 2 (1897). Some doubt was felt in diplomatic circles concerning the place where it ought to meet. This question was the subject of discussion even before the signature of the Treaty. Pauncefote advised Lord Salisbury that Washington was out of the question. The Venezuelan Government would probably object to London which in other respects was suitable. The British Government was willing to agree upon Paris, "if no objection be raised by the French Government to the frequent calls upon their hospitality." [2] The French Government, when approached on this subject, readily offered to give every facility.

The Tribunal, consisting of two British subjects, two United States citizens (representing Venezuela) and a Russian (the great international jurist, Frédéric de Martens) handed down its award at Paris on October 3, 1899. The frontier determined was, in the main, the Schomburgk Line, with two substantial alterations in favour of Venezuela.[3]

[1] Autobiography of A. D. White (who was one of the Commissioners), vol. ii. 124.

[2] Salisbury to Pauncefote, "midnight," January 4, 1897.

[3] Award in *British and Foreign State Papers*, vol. 92, p. 160.

While the final negotiations were still in progress between Great Britain and the United States, the Venezuelan Government had made certain proposals for settlement by direct negotiation between itself and the British Government. If this had been agreed to by Great Britain, the United States would have been entirely put aside—a result which might be expected to be agreeable to the *amour propre* of Great Britain. The proposals were rejected by Lord Salisbury. Pauncefote advised that the United States Government should not be informed of them —a chivalrous and self-denying piece of advice, for had the officials of the State Department learned of the matter, it would not have increased their already tepid enthusiasm for the small State which they had been championing at the cost of so much time, labour, money and good feeling. The advice was accepted by Lord Salisbury.

Among the public men who worked so zealously to bring the British-American crisis over Venezuela to a peaceful and honourable ending, mention must be made of Joseph Chamberlain. At the end of August, 1896, he found time amid his many duties as Secretary of State for the Colonies, to pay a flying visit to the United States, and to have direct conversations at Washington with Secretary of State Olney.

CHAPTER XX

THE SPANISH-AMERICAN WAR

The sympathy excited in the United States with the Cuban insurrection led to the intervention of the United States and warlike action against Spain. The pre-war crisis became acute when the U.S. battleship *Maine* was blown up in Havana harbour on February 15, 1898. Whether the explosion was due to an external mine or to internal causes has not been conclusively determined, although evidence points to an external cause. On April 20 President McKinley approved resolutions of Congress demanding withdrawal of Spanish rule from Cuba. On the 22nd the President proclaimed Cuban ports to be blockaded. On the 24th Spain declared war.

The war made the United States extremely unpopular on the continent of Europe. The continental monarchical Governments considered the struggle between the American republic and the Spanish monarchy on the question of establishing a republic in Cuba to be a danger to the monarchical principle.[1] The German Emperor endeavoured to create a continental diplomatic *bloc* against the United States.[2]

Great Britain might have been expected to take an

[1] *Die Grosse Politik der Europäischen Kabinette*, Band 15, pp. 1-9.

[2] *Ibid.*, especially Nr. 4118, 4120 and 4124.

unfavourable view too. During the Venezuelan dispute Mr. Henry White had sounded Lord Salisbury concerning the attitude of the British Government on the Cuba question. Lord Salisbury had replied: "It's no affair of ours; we are friendly to Spain and should be sorry to see her humiliated, but we do not consider that we have anything to say in the matter whatever may be the course the United States may decide to pursue." [1] Therefore, the most that the United States could hope for, in the event of a Spanish-American War, would be a rather frigid neutrality on the part of Great Britain. The celebrated message of President Cleveland to Congress, December 8, 1896, on the Venezuelan Boundary Question had not made for the popularity of the United States in Great Britain. In America things were no better. "Cleveland's Venezuela Message had aroused at home the chronic, though then slumbering, animosity towards the mother-country." [2] Yet the unexpected happened. The seriously ruffled feelings were assuaged on both sides of the Atlantic; and in the United States people recognised, with gratitude and with some surprise, that Great Britain was sympathetic with them. Naturally the quiet work being done at Washington by Pauncefote contributed to this happy result, as did also the work of John Hay in London. Hay's career as Ambassador to the Court of St. James is important in the story of Pauncefote's diplomacy, because when Hay finally returned from London to Washington he

[1] White to Olney, June 17, 1896, text in James, *Richard Olney*, Appendix IV., p. 244.

[2] Thayer, *The Life and Letters of John Hay*, ii. 162.

came as Secretary of State, with Pauncefote (according to Hay's official biographer) as "warm coadjutor." [1]

The work of Hay in London and that of Pauncefote in Washington were very similar. "To bring about friendliness was the task of not merely formal diplomacy, but of personal influence. Personal influence is a force which can hardly be defined in such a case. It acts cumulatively, often subconsciously, and can be estimated only by its outcome. The great diplomatist . . . attains his ends, not merely by the business-like methods with which he receives visitors in his office, but by his social contacts." As a matter of fact Hay seems to have found his task to be comparatively simple. "I do not know," he wrote, shortly after the outbreak of the Spanish-American War to Senator Lodge, "whether you especially value the friendship and sympathy of this country. I think it important and desirable in the present state of things, as it is the only European country whose sympathies are not openly against us. We will not waste time in discussing whether the origin of this feeling is wholly selfish or not. Its existence is beyond question. I find it wherever I go—not only in the press, but in private conversation. For the first time in my life I find the 'drawing-room' sentiment altogether with us. If we wanted it—which, of course, we do not—we could have the practical assistance of the British Navy—on the *do ut des* principle, naturally." [2]

[1] Thayer, *op. cit.* ii. 202.

[2] The above two quotations are from Thayer, *op. cit.* ii. 163 and 161.

It was in the next month after Hay wrote this letter that Chamberlain made what Hay called his "startling speech." This was a declaration of solidarity of interest and community of sentiment between the peoples of Great Britain and the United States. Mr. Chamberlain (who was a most active member of the Cabinet) even said: "I don't know what arrangements may be possible with us; but this I do know and feel, that the closer, the more cordial, the fuller, and the more definite these arrangements are, with the consent of both peoples, the better it will be for both and for the world—and I even go so far as to say that, terrible as war may be, even war itself would be cheaply purchased if, in a great and noble cause, the Stars and Stripes and the Union Jack should wave together over an Anglo-Saxon alliance." [1] Henry Adams thought that the pleasing change in British sentiment towards the United States was caused by the sudden appearance of Germany as the "grisly terror." This is not quite a fair statement; the British people has plenty of faults but it has never yet shown fear. Anyhow the feeling of cordiality was plain enough now.

In Washington Pauncefote did not find conditions so easy. When Great Britain is at war, the United States finds it necessary to insist on the rights of neutral maritime trade, while Great Britain holds with determination to her rights of blockade. When the United States goes to war the face of affairs is reversed. Great Britain now asserts the rights of trade under her neutral flag, while the United States

[1] Address before the Birmingham Liberal Unionist Association, May 13, 1898, quoted in Thayer, *op. cit.* ii. 169 *n.*

stiffly takes stand upon the privileges of a blockader. Cuba being blockaded by the United States Navy, British shipping naturally suffered. Seizures were made, some justified by the Laws of Nations, others of debateable validity. Claims for compensation on the part of British traders flowed in to the Foreign Office and to the Embassy at Washington. Pauncefote had to investigate the facts and to negotiate on the claims with the State Department. He was an international lawyer of repute, and he had been negotiating settlements of this kind (seizure of sealers in the Behring Sea and such things) ever since he came to Washington. So the negotiations arising out of the blockade of Cuba were left to him ; Hay in London was not troubled with them. Pauncefote had a much harder task than when dealing with the Behring Sea captures, for these were made in time of peace, when the tide of national sentiment was not rising high. Now it was otherwise. Mr. Rhodes observes in his history of the struggle with Spain, " nothing excites a nation so much as going to war." The people of the United States were indignant at any action by a foreign power which restricted their freedom to pursue the hostilities with Spain by every possible means. But the British Government asked for no special privileges : it appreciated the difficulties of the United States Navy in enforcing the blockade. Clearly the controversy was purely juridical. A Commission should be appointed to investigate the facts of the seizure of British ships, and to assess any claims for damage. Pauncefote and Secretary of State Day agreed to establish such a commission and signed an undertaking to that effect.

The appointed arbiters were Judge W. L. Putnam of the United States and Judge King of Canada. After investigation they awarded to British claimants 425,000 dollars as compensation for wrongful seizure. The award caused profound annoyance in the United States. Hay wrote to Senator Lodge: "There is that unfortunate Putnam award. I suppose you all think—as I do—that it is absurdly exorbitant; that P. gave us away—which is all true, I have no doubt. But, after all, he was our representative, and we are included by his act. We have nothing to do but pay and look pleasant, or else say we won't, which is, of course, open for any nation to do—with the natural result. Is there no way of hurrying the matter through? I am sure it will be worth the sacrifice." [1] Pauncefote read the debates in Congress on the question of appropriation with unruffled composure. In time the appropriation went through.

Fortunately the law of the sea was fairly clear. The Declaration of Paris, 1856, had prohibited privateering, had enacted that blockade to be lawful must be effective, that the neutral flag covers enemy goods (except contraband of war), and that neutral goods (except contraband of war) under enemy flag are not liable to seizure. When the Spanish-American War broke out, Spain and the United States were still numbered among the states which had not proclaimed their adherence to the Declaration of Paris. Accordingly before hostilities began, Lord Salisbury instructed Pauncefote to ascertain what the attitude of the

[1] Thayer, *op. cit.* ii. 166.

United States would be. Pauncefote had a conversation with Mr. Day, Assistant Secretary of State (as he was then) and arranged the matter satisfactorily. He brought away an asssurance that the United States had decided, in the event of war with Spain, and irrespective of Spain's attitude, to conform in practice to all the provisions of the Declaration of Paris.[1] At Madrid the British Minister, Thomas Barclay, received from the Spanish Government an assurance of assent to three out of the four Paris rules, Spain reserving the right to employ privateers. During the period of hostilities the interests of the United States were in charge of the British Minister at Madrid.

Before the outbreak of war permission had been granted to the United States Government to sail four revenue cutters through Canadian canals to the Atlantic. When war came, the United States Government desired that the permission, which it had not so far used, should be continued. The British Government was in something of a dilemma. It was scrupulous about enforcing its duties as a neutral; at the same time it was anxious to do nothing to offend the United States. The matter in question was a Colonial Office affair and came before Joseph Chamberlain. He suggested that Pauncefote should be instructed to settle it somehow: "Mr. Chamberlain is extremely anxious at the present time to refrain from any action which might be regarded as an unfriendly enforcement of the laws of neutrality as against them (the United States). . . . He would be obliged if the Foreign Office would deal

[1] Pauncefote to Salisbury, April 20, 1898.

with the matter through H.M. Embassy at Washington, and if it is absolutely necessary to cancel the permission already given, that an endeavour should be made to get the United States to withdraw the application."

As a matter of fact Pauncefote was able to adjust this affair without any trouble, for the Law Officers of the Crown gave an opinion that the permission given to the four United States ships before the war need not be withdrawn ; the only restrictions which were necessary were that the ships should not take more stores than were required to enable them to reach New York, and that they should not increase their crew or warlike equipment in British territory. Pauncefote had no difficulty in inducing the State Department to agree with these conditions.

The affair of Lieutenant Carranza was a little more intricate. This gentleman, an officer in the Spanish Navy, was in Canada, at Montreal, during the early months of the Spanish-American War. On May 26 (1898) he wrote a letter to a correspondent describing a spy-system which, from his lodging or office in Montreal, he was organising in the United States. The letter was published by the *Washington Post* on June 5. The British Government held that Carranza's action, organising from a British Dominion espionage in a country friendly to Great Britain, was an abuse of British hospitality ; so he was ordered to leave Canada. Carranza, however, denied that he had written that part of his letter relating to espionage.

Pauncefote was accordingly instructed to investigate the matter at Washington. He called at the

State Department and was received very frankly. He was shown the actual letter, and was ingenuously informed that it had been extracted by a United States agent from Carranza's lodging in Montreal, while lying sealed, ready to be sent to the mail. Pauncefote, with the help of the legal adviser to the Embassy, who happened to be skilled in the Spanish tongue, was allowed to examine the letter and to satisfy himself that nothing had been interpolated in it.

The British Government was therefore justified in expelling Lieutenant Carranza from its territories. At the same time it thought that it might have to remonstrate with the United States Government on account of the action of the American secret agent in purloining the letter, the private property of a man residing in British territory. Such a remonstrance would have been an unpleasant duty for Pauncefote to undertake; for the information that Carranza's letter had been abstracted, not from the United States mails, but from his lodging in Montreal had been given confidentially to Pauncefote by the State Department. Pauncefote, however, was saved by the good sense of Lord Salisbury who minuted on the memorandum of the case, in which it had been proposed that action should be taken against the United States agent in Canada: "If we prosecute the man on confidential information given us by the United States Government, we must not expect ever to receive confidential information again. I would certainly drop the matter."

Affairs were progressing satisfactorily in London and Washington, but it was far otherwise at Berlin.

Andrew D. White tells how, when he became Ambassador in 1897, "there were in all Germany but two newspapers of real importance friendly to the United States."[1] During the Spanish-American War the feelings of the German people seemed to have been a real hatred of the United States. "Nor was this confined to the more ignorant," writes Mr. White. "Men who stood high in the universities, men of the greatest amiability, who in former days had been the warmest friends of America, had now become our bitter opponents, and some of their expressions seemed to point to eventual war."[2]

There was no real likelihood of Germany going to war with the United States; but the design of the Emperor to make a sort of continental diplomatic *bloc* against the United States made some progress in Europe, and to some small extent in the Embassies at Washington. The United States Ambassador at Berlin knew nothing of this. While describing graphically the popular outcry in Germany, Andrew D. White exonerates the authorities: "the course of the Imperial Government, especially of the Foreign Office under Count von Bülow and Baron von Richthofen, was all that could be desired,"[3] But the grand collection of German diplomatic documents made public since the Great War disproves this.

As far back as September 28, 1897, the Emperor William II of Germany had proposed to his Foreign Secretary "interference" (*Eingreifen*) in favour of Spain on the part of the European states in the

[1] A. D. White, *Autobiography* (1905), ii. 144.
[2] *Ibid.* ii. 146. [3] *Ibid.* ii. 168.

Spanish-American question.[1] Eventually this proposal was limited to one of interference on the part of the European continental Powers, England being obviously determined to take no action against the United States. The object of the German Government was by diplomatic pressure to obtain, as compensation for an American gain in the Philippines, some island elsewhere for Germany; or, as an alternative policy, to induce the Powers to agree, not to an American protectorate, but to the neutralisation of the Philippines under a joint protectorate of the Maritime Powers. The Imperial German Foreign Office, however, found it impossible to bring about concert among the continental Powers. Count von Bülow, the Imperial Foreign Secretary, was very lukewarm towards the Emperor's proposal. When the crisis grew more acute and war seemed imminent, Count von Bülow authorised the German Ambassador at Washington to take part in any step which the representatives of the other five Powers should decide to take in favour of peace.[2]

It is the friendly privilege of every Government to make recommendations in favour of peace. There was, therefore, nothing remarkable about the Collective Note addressed by the representatives of the Six Powers (Great Britain, France, Germany, Austria, Italy, Russia) to the President of the United States, expressing a hope in the interest of humanity that peace would be preserved and that order would be restored in Cuba. Pauncefote, as the senior Ambassador, had the duty of presenting the Collec-

[1] *Die Grosse Politik der Europäischen Kabinette*, Band 15, p. 1 note.

[2] Bülow to Holleben, April 4, 1898 (*ibid.* p. 19).

tive Note. He had already, on instructions from London, taken steps to ascertain that the presentation of the Note and its actual terms, would be acceptable to the President.[1] In fact Pauncefote, who himself drafted the Note, showed it before it was adopted to Mr. Day, McKinley's Secretary of State, and made certain alterations at Day's suggestion.[2] Mr. McKinley returned a courteous reply, likewise expressing hopes for the maintenance of peace, but without committing himself to any pledge. Subsequently, on April 14, there was a second representation on the part of the Ambassadors, in favour of a peaceful solution,[3] although no further step was taken to approach President McKinley. The German Government did not follow up its tentative effort to create a Continental diplomatic *bloc* against the United States.

On one later occasion trouble may have been threatened. When Admiral Dewey and the United States fleet were blockading Manila, the German Vice-Admiral von Diederichs may have contemplated some action, such as occupying some island or coaling-station for Germany. On the American side he was suspected of endeavouring to intervene by force in the blockade of Manila. If he had any such design, he was prevented by Captain Chichester, the senior naval officer of the three British warships present. "It was perhaps blocked by the action of Captain Chichester, the Senior British naval officer,

[1] *Hansard*, fourth series, vol. ci. p. 311 (Lord Cranborne, Jan. 20. 1902).

[2] *The Times*, Feb. 12, 1902, p. 5.

[3] J. W. Foster, *Diplomatic Memoirs*, ii. 317.

in placing his command during the bombardment between them and Dewey." [1]

Nearly four years later, in the last stages of the Boer War, when relations between Great Britain and Germany had unfortunately entered into a condition of chronic strain, an accusation in the form of a disclosure was made concerning the peace-efforts undertaken by the ambassadors of the Powers in April, 1898. It seems to have begun with a question asked by Mr. Henry Norman, Member of Parliament for Wolverhampton, in the House of Commons on January 20, 1902. Mr. Norman enquired "whether any communication proposing or concerning joint or collective action by European states, in view of the outbreak of the late war between the United States and Spain, was received from the Austrian or any other Government?" Lord Cranborne, Under-Secretary of State for Foreign Affairs, replied:

No such communication as is suggested in the question was made after the outbreak of the war between the United States and Spain, but immediately before the war several communications were received from other powers suggesting the presentation of a joint note to the President of the United States. Her late Majesty's Government agreed to join with other Powers in a note expressing a hope that further negotiations might lead to a peaceful settlement, accompanied by guarantees for the establishment of order in Cuba. But they first took steps to ascertain that the presentation of such a note, as well as

[1] John D. Long, *The New American Navy* (1904), ii. 111. Mowat, *The Diplomatic Relations of Great Britain and the United States* (1925), 281. The German view is that there was no danger of war, although diplomatically they would have liked to intervene. See E. Brandenburg, *From Bismarck to the World War* (trans. 1927), p. 124, and H. Leusser in *Historische Zeitschrift*, Beiheft 13 (1928), pp. 23-4.

its terms, would be acceptable to the President. His Majesty's Government declined, however, to associate themselves with other subsequent proposals which seemed to them open to objection in having the appearance of putting pressure on the Government of the United States and offering an opinion as to their attitude. I am not able to lay on the Table any papers on this subject.[1]

Lord Cranborne's answer was at once taken up in the German newspapers, and officially inspired articles declared that Germany had been sincerely friendly to the United States in the Cuban crisis. Prince Henry of Prussia, brother of the German Emperor, was on the point of paying a visit to the United States. The German Ambassador at Washington, Dr. von Holleben, was naturally anxious to dissipate any bad feeling on the part of the people of the United States, and especially of Washington society, towards Germany. Accordingly, as Lord Cranborne's answer by its reference to "other proposals" for mediation in 1898, proposals to which the British Government had objected, might be taken as pointing to Germany, the German Government published (February 12, 1902) the two relevant documents. These concerned not the Collective Note of the Ambassadors of the Powers at Washington, presented to the President on April 8, 1898, but a subsequent meeting of the Ambassadors, April 14, 1898.

The first document published was a telegram from Dr. von Holleben, April 15, 1898, to the German Secretary of State:

The English Ambassador to-day adopted in a very remarkable manner the initiative for a new collective step

[1] *Hansard*, fourth series, vol. ci. p. 311.

on the part of the representatives of the Great Powers here. We conjecture that the Queen Regent [of Spain] has made representations in this sense to the Queen of England. The six representatives telegraph to their Governments by request of the English Ambassador in the following sense.

The second document was the draft note as telegraphed to the Powers, stating among other things —"it seems opportune to remove the erroneous impression which prevails that the armed intervention of the United States in Cuba commands . . . the support and approval of the civilised world." Against the telegram as received the Kaiser had written in a marginal note: "I am against this." Holleben had also telegraphed that he had no sympathy with it.[1]

This dramatic disclosure naturally created a profound sensation at Washington, as well as in all the capitals of Europe. Pauncefote, the well known friend of the United States, the persistent and avowed labourer in the cause of Anglo-American good feeling, now appeared in two state documents as having secretly worked to influence the Powers of Europe against the United States in the Spanish-American crisis. When the documents appeared in United States papers, the German Ambassador sent a further telegraphic dispatch to the German Foreign Office (February 13, 1902). This telegram stated that Pauncefote had in the now celebrated meeting of ambassadors of April 14, 1898 (which was held at the British Embassy) when shaking hands with the French

[1] The English translation of the two documents appeared in *The Times* of February 13, 1902. The original German texts are in *Die Grosse Politik der Europäischen Kabinette*, Band 15, pp. 22-23.

Ambassador (M. Jules Cambon) at the end, called the Americans "brigands." This dispatch was not published by the German Government until 1924.[1]

The truth about the much discussed meeting of April 14 seems to be as follows. It did occur, and the place of meeting was the British Embassy. This in itself was not at all remarkable. The Ambassadors of the Powers were interested in the cause of peace, as are diplomatists almost universally; the offer of "good offices" to reconcile a difference between Governments is a normal and wholesome custom under international law. The meeting would almost necessarily have to be formally convened by the *doyen* of the Diplomatic Corps at Washington (Pauncefote) and at his official residence. Who suggested or drafted the proposal is not quite clear. Holleben averred that the initiative was Pauncefote's, and (according to Holleben's account) the French Ambassador believed this likewise.[2] Everything in Pauncefote's career points to the conclusion that this is a mistake: everything else that is known of him—his character, his extreme caution, his reserve, as well as his acknowledged and uniform friendliness, in public and private, towards the United States—makes it almost incredible that he would take the initiative. Holleben's story that Pauncefote called the Americans brigands further discredits all the rest of his account. Such language was never known to pass Pauncefote's lips even in his family circle; he carried precision and reserve of speech like a garment in all his daily life. It was perhaps because the

[1] *Die Grosse Politik*, Band 15, p. 30 (No. 4144).

[2] *Ibid.*

statement was absurd that the German Foreign Office did not publish it in 1902, when they divulged the rest of Holleben's correspondence concerning the meeting of April 14. Although it was afterwards denied, it is not impossible that the Austrian Ambassador (perhaps influenced by Holleben) was actually the original proposer of the meeting, for Count Bülow had previously urged the Austrian Government to take the initiative in intervention, saying that in such a case Germany would follow.[1]

Pauncefote was deeply distressed by the accusation which appeared in Holleben's dispatch of April 15, 1898, as made public by the German Government on February 12, 1902. He could do nothing, however, for his conception of the duties of his position did not permit him to defend himself or his actions, or to give statements to the press. Lord Cranborne had stated in the House of Commons, the day before the German Government published the Holleben dispatch, that "Great Britain never proposed through Her Majesty's Ambassadors or otherwise any declaration to the United States in regard to their intervention in Cuba. On the contrary, Her Majesty's Government declined to assent to any such proposal."[2] After the publication of the Holleben dispatch Lord Cranborne gave the account:

The Meeting which took place on the 14th April, 1898, was convened by Lord Pauncefote as *Doyen* of the Ambassadors at the verbal suggestion of some of his colleagues. Whatever opinions were expressed by Lord

[1] *Die Grosse Politik*, Band 15, No. 4120, 4121, 4122. Hermann Leusser (*Ein Jahrzehnt Deutsch-Amerikanischer Politik*) in *Historische Zeitschrift*, Beiheft 13 (1928), exonerates the Austrian Ambassador.

[2] *Hansard*, fourth series, cii. 991 (Feb. 11, 1902).

Pauncefote during the discussion which was of an informal character were personal to himself and not in pursuance of any instructions from Her Majesty's Government. The discussion resulted in an agreement by the Ambassadors to forward an identical telegram to their respective Governments suggesting a further communication to the Government of the United States. On the receipt of this message Her Majesty's Government at once replied objecting to the terms of the proposed communication as injudicious. Two days later Lord Pauncefote was informed that Her Majesty's Government had resolved to take no action. We had at the time no information of the attitude of the German Government.[1]

The account given by Lord Cranborne agrees with that of G. W. Smalley, an American citizen, and correspondent of *The Times* in Washington. Smalley claims that his version was certified as correct by President Roosevelt who said, regarding Holleben's account of the meeting of April 14, 1898: "Not only do I not believe this Berlin story, but I know it is false." The President added: "I know Lord Pauncefote to be incapable of an act unfriendly to this country. Since he has been Ambassador he has striven with all his heart to promote good-will between England and us. If he had said and done what Germany accuses him of, it would have been disloyal to himself and treacherous to us. He is incapable of that. He is incapable of anything but true and honourable conduct."[2] The President, who was not a man to stand upon ceremony, paid a personal visit to the British Embassy to assure Pauncefote of his complete confidence.

[1] *Hansard*, fourth series, ciii. 40 (Feb. 14, 1902).

[2] Smalley, *Anglo-American Memories*, second series, 184-185, cp. *The Times*, February 12, 1902, p. 5.

No suspicion whatever attaches to Count von Bülow or the high officials of the German Foreign Office for the garbled account of the meeting of April 14, 1898, and for the accusations made against Pauncefote. The official documents of the year 1898, issued by the German Government since the Great War, prove that the policy of the German Government in 1898 was strictly correct, although not friendly to the United States. The author of the Holleben dispatch cannot, however, be so easily exonerated. It was not a friendly act on the part of the German Government to publish Holleben's story against Pauncefote which was calculated to arouse indignation in the United States against Great Britain although in effect it signally failed to do so. Holleben was considered in the end by his own Government to be at least maladroit. He was suddenly recalled from his post at Washington in 1903.

At the actual moment of the Holleben incident, when the German Ambassador was giving it out in Washington that it was Pauncefote who had initiated the meeting of April 14, 1898, Mr. Wayne McVeagh, a former Attorney-General and Ambassador to Italy, defended the British Ambassador in the *Washington Post*. Mr. J. W. Foster, who had been Secretary of State, Ambassador, and delegate to the Hague Peace Conference (and who had not always approved of Pauncefote's actions), also stated in an interview given to the same journal with reference to "the now celebrated conference of April 1898:"—"If its details are made public, I feel sure they will not change the high estimate in which Lord Pauncefote has ever been held by our

people."[1] He added some warm words upon Pauncefote's record of friendly conduct towards the United States. Pauncefote thanked him in a personal letter:

British Embassy, Washington,
20*th Feby.*, 1902.

Dear Genl. Foster,

I write to express to you my deep gratitude for your kind defence of me in to-day's *Washington Post*. My mouth being sealed, I appreciate all the more the timely service you have rendered me, and I feel the support of such men as yourself and Mr. MacVeagh will have more effect in stopping the unjust clamour raised against me than anything I could write myself.

I could not have believed it possible that I should ever be accused of saying or doing anything unfriendly to this country where I have spent so many years working heartily in the opposite direction.

Believe me, gratefully yours,
PAUNCEFOTE.

While the Spanish-American War was in progress, there was also a considerable degree of international irritation in regard to the Samoan Islands. A tripartite treaty between Great Britain, the United States and Germany, signed at Berlin on April 14, 1889, had guaranteed the autonomy of the islands under a joint protectorate of the Three Powers. In 1898 a civil war between two rival chiefs broke out in Upolu, the most important island. The British and United States consuls in Samoa believed that justice was on one side; the German consul held that justice lay with the other side. British and American warships took some part in the fighting in order to

[1] Foster, *Diplomatic Memoirs*, ii. 317. *Washington Post*, Feb. 20, 1902.

protect their nationals, and some damage was done to German property by the bombardment.

Clearly, the system of a joint protectorate of the Three Powers was working very badly, and was creating a serious international complication. The German public was keenly interested in Samoa, "as the cradle of their colonial enterprises and as the deathbed of so many of their fellow-countrymen by land and sea."[1] They wished for some solution of the Samoan question which would give them possession of some of the islands. At Washington the British Embassy and the State Department kept in touch with each other in regard to this question. On January 27, 1899, Pauncefote telegraphed to Lord Salisbury:

> Secretary of State has shown me confidentially drafts of a note he addressed to the German Ambassador and of a dispatch to the United States Ambassador at Berlin reviewing the recent occurrences so far as at present ascertained by the United States Government.
>
> Dispatch, copy of which will be communicated to your Lordship by Mr. White in London, is a scathing indictment of German officials implicated in disorders, and their prompt dismissal is urged. . . .
>
> Your Lordship will be asked to support the views of the United States Government and their attitude in respect of the events in question.[2]

Not merely were the German public keenly interested in Samoa and resentful of what they considered to be British-American opposition, but the

[1] Viscount Gough to the Marquess of Salisbury, Nov. 11, 1899, in Gooch and Temperley, *British Documents on the Origins of the War* (1927), i. 130.

[2] *British Documents on the Origins of the War*, i. 110. Mr. Henry White was Secretary of the United States Embassy.

Kaiser took the matter seriously to heart. He told Sir Frank Lascelles, British Ambassador at Berlin, that "the time would come when even England would have to consider the German fleet as an important factor, and he only hoped that it would not then be too late."[1] Events like those which happened in Samoa were making the German people and press unfriendly. "I and Count von Bülow," said the Kaiser, "are doing all we can to keep both in order." He added: "I cannot go on sitting on the safety-valve for ever."[2]

Pauncefote had suggested, in the middle of the dispute, that a Joint High Commission of Great Britain, the United States and Germany should be sent to investigate the situation in Samoa. The German Government was favourable to this, and on March 31, 1899, Sir Frank Lascelles had been able to report from Berlin that: "The German Government had adopted a suggestion made by Her Majesty's Ambassador at Washington." A Joint High Commission, accordingly, was appointed and sent to Samoa; the British representative was Pauncefote's second Secretary of Embassy, C. N. E. Eliot (later Sir Charles Eliot, K.C.M.G.). The result of its report and of the action taken upon it was that in the end the Samoan islands were divided between Germany, which obtained Upolu and Savaii, and the United States, which obtained Tutuila. Great Britain received the cession of German rights over Tonga and certain of the Solomon Islands. The portion of this settlement which dealt with the

[1] Lascelles to Salisbury, May 26, 1899, *British Documents on the Origins of the War*, pp. 117-8.

[2] Grierson to Gough, Nov. 6, 1899, *ibid.* p. 130.

Solomon Islands was included in a convention signed at London between Lord Salisbury for Great Britain and Prince Hatzfeldt for Germany on November 14, 1899—a convention in which Germany also renounced her rights of extra-territoriality in Zanzibar. The settlement of the rest of the Samoan question was dealt with in a convention between Great Britain, Germany and the United States, signed at Washington by Pauncefote, Holleben and Hay on December 2, 1899.[1] An arbitration convention, also signed at Washington, provided that the King of Sweden and Norway should arbitrate on the question of the losses incurred by British, United States or German citizens, in consequence of any unwarranted military action in the late troubles in Samoa.[2]

The German Government and people were very pleased with the result of the Samoan negotiations. Baron von Richthofen told the British Ambassador at Berlin that H.M. Government need not any longer "be uneasy about the action of the German Government with regard to the war in South Africa." [3]

[1] *British and Foreign State Papers*, vol. 91, pp. 75-78.

[2] *Ibid.*, vol. 91, pp. 78-81. Signed (Nov. 7, 1899) for Great Britain by Reginald Tower acting as chargé d'affaires *ad interim*.

[3] Lascelles to Salisbury, Feb. 16, 1900, *ibid.* p. 131.

CHAPTER XXI

THE HAGUE CONFERENCE

The first Peace Conference of the Hague was memorable for the establishment of a permanent court of arbitration, and was the beginning of a great effort to limit armaments and to ameliorate the laws and customs of war. It originated in the mind of Nicholas II, Emperor of Russia, who had been impressed by reading Bloch's book on international law; and was put forward in a circular of August 12, 1898, addressed by Count Muravieff, Russian Minister for Foreign Affairs, to the representatives of the Powers accredited to St. Petersburg. *L'idée germera*, remarked Count Muravieff when communicating his circular to the German Ambassador, Count Radolin.[1] On receiving intelligence of the proposal, the British Ambassador at Rome pointed out that the Premier of Italy at this time, General Pelloux, had already said publicly, thirteen years earlier (1885), that "the Government was not master of its actions, nor would it be while the fever for large armaments continued."[2]

The Russian *mémoire* (or circular) stated that the maintenance of general peace and a possible reduc-

[1] *Die Grosse Politik*, Band 15, p. 142 (Radolin to Hohenlohe, Aug. 24, 1898).

[2] Sir G. Bonham to Lord Salisbury, Aug. 31, 1898.

tion of excessive armaments presented themselves in the existing situation of the entire world as the ideal to which the efforts of all governments ought to tend. The Imperial Russian Government believed that the moment was propitious for the research, by way of international discussion, of the means to achieve these two objects. The Emperor of Russia therefore proposed to the Governments which had representatives at St. Petersburg the reunion of a conference which should occupy itself with the problem of preserving peace. This conference, with the help of God, would be a happy presage for the new century which was shortly to begin.

A further *Mémoire* of Count Muravieff, dated January 11, 1899, defined the topics which should be discussed at the proposed conference. The first topic was to be an understanding not to increase for a fixed period the present effective of the armed military and naval forces. The second topic was the prohibition of the use of new firearms or explosives, the third was the restriction of the use of explosives, the fourth the prohibition of the use of submarines and of the construction of ships with rams, the fifth the application to naval warfare of the principles of the Geneva Convention of 1864; the sixth was to neutralise ships and boats employed in saving men overboard during or after an engagement, the seventh the revision of the unratified Brussels Convention of 1874 concerning the laws and customs of war, the eighth the acceptance in principle of good offices, mediation and arbitration with the object of preventing armed conflicts between nations.[1]

[1] *Parl. Papers*, 1899, cx. p. 102.

As the Russian Government did not think it likely to be satisfactory if the conference was held at the capital of a Great Power, the Dutch Government was requested to consent to the meeting taking place at the Hague. Everyone concerned agreed to this proposal.

The United States Government in arranging its representation for the Conference wished to take into account the nature and status of the delegation which the British Government would send to the Hague. The relations between Pauncefote and the State Department were so good that Secretary of State Hay had no scruples about asking the British Ambassador for information. On March 9, 1899, Pauncefote telegraphed to Lord Salisbury: "President wishes to ascertain what will be the number and rank of the British Delegation, and has asked me, through the Secretary of State, to inquire of your Lordship." Salisbury replied on the following day that he was "uncertain—at present it is the intention of Her Majesty's Government to appoint as First Plenipotentiary a diplomatist of high standing."

The uncertainty was soon dissipated. The British Government designated Pauncefote as its first representative and Sir Henry Howard, H.M. Minister at the Hague, as second (May 9, 1899). In communicating these appointments to Pauncefote Lord Salisbury wrote:

> With regard to the eight points enumerated by his Excellency as proper subjects for discussion by the Conference, Her Majesty's Government thought it best to abstain from expressing any definite opinion beyond repeating their earnest desire to promote, by all possible

means, the principle of recourse to arbitration for the prevention of war, which formed the eighth and last point of Count Muravieff's programme. . . . With regard to the question of making the employment of arbitration or mediation more general and effective for the settlement of international disputes, it is unnecessary for me to say that it is a matter to which Her Majesty's Government attach the highest importance, and which they are desirous of furthering by every means in their power. During the negotiations which your Excellency has conducted at Washington for the conclusion of a Treaty of General Arbitration between this country and the United States, you were placed in full possession of the views of Her Majesty's Government on the subject. Those views have further received practical application in the conclusion of a Treaty, also negotiated by your Excellency, for the admission to arbitration of the disputed questions of frontier between British Guiana and Venezuela. The success with which you conducted both these negotiations inclines Her Majesty's Government to feel sanguine that on the present occasion your efforts may be equally productive of good result.

The German Government, through Count Bülow, the Chancellor, also accepted the invitation to the Conference, " in principle," but was " pessimistic as to result." [1] The Belgian Government, while accepting the invitation, was equally pessimistic. The Italian Government thought that little more was possible than an " exchange of views on economic and military questions." The experts of the British Admiralty and War Office, when the Tsar's proposal for a conference was put before them, reported to the Foreign Office that they were opposed to limitation of the number or armament of British effectives,

[1] Lascelles to Salisbury, Sept. 2, 1898.

and even to the proposal for a code that should ameliorate the laws and customs of war.[1] The British Government, however, which never allowed the Admiralty or War Office to dictate to it, resolved, without pledging itself with regard to the rest of the Hague programme, to support warmly from the start the principle of recourse to mediation and arbitration.

Pauncefote arrived at the Hague on May 17, 1899. He was accompanied by Admiral Sir John Fisher (afterwards Lord Fisher), Major-General Sir John Ardagh and Lieutenant Colonel Charles à Court, Military Attaché in Belgium and the Netherlands, as technical advisers. The Conference was scheduled to begin on the following day. It was to be held in the beautiful seventeenth century palace, built in 1647 by the Princess Amalia of Solms, widow of Frederick Henry of Orange, and known as "The House in the Wood" (*Huis ten Bosch*). Pauncefote and all the British Mission were lodged in the Hotel des Indes.

Twenty-six states, including all the Great Powers, were represented at the Hague Conference. The Pope, however, was not invited to send a representative. The President of the Conference was M. de Stael, Russian Ambassador at London. M. de Stael brought with him a very strong Russian delegation including M. de Martens, the international jurist who throughout his lifetime accomplished so many scholarly and practical services in the cause of the Law of Nations. Andrew D. White, Ambassador to

[1] See Gooch and Temperley, *British Documents on the Origins of the War*, 1898-1914 (1927), i. 224, 226 (Nos. 274, 276).

Russia, headed the delegation of the United States which included Seth Low, President of Columbia University and Captain A. T. Mahan, the famous author of *The Influence of Sea Power upon History*.

A sensation was made by the publication in the Press of an article written by the Netherlands Minister to the Court of St. Petersburg concerning the omission of an invitation to the Transvaal to attend the Conference. The article cost this diplomatist his career.

The opening session was for the most part formal. It took place in the central hall under the dome in the House in the Wood. The delegates sat in the alphabetical order of their countries, *Allemagne* coming first, *Amérique* second, and so forth. The other rooms on the main floor were devoted to the needs of the committees by which the main work of the Conference was done. Upstairs in a dining-hall the Dutch Government had a bountiful luncheon served every day.[1] Over this luncheon the delegates held much friendly and informal discussion with each other. The Dutch Government showed itself to be extremely hospitable; everything that it did in connection with the Conference it did very magnificently. At the first big reception, that given by Jonkheer van Karnebeck, first delegate of the Netherlands, there was a very brilliant assembly. Andrew D. White wrote: "probably, since the world began, never has so large a body come together in a spirit of more hopeless scepticism as to any good result."[2] Successful diplomatists of the old school in conversation lamented the fact that at

[1] A. D. White, *Autobiography*, ii. 257. [2] *Ibid.* ii. 256.

the end of their career they were come on a mission which was bound to be a failure.

At the first Conference, held on May 18, after the formal opening speech of M. de Beaufort, Dutch Minister of Foreign Affairs, M. de Stael, the first Russian delegate took the Presidential *fauteuil*. The question of publicity or secrecy of the proceedings was discussed. The diplomatists of the old states—even of those states which had constitutional government—were in favour of maintaining secrecy of the proceedings during the period of the Conference.

On the second morning the heads of all the delegates met in the Hotel Oude Doelen (where the United States delegation lodged) to appoint the commissions. Of these there were three, which divided between them the eight questions included in the second Muravieff circular. The first commission dealt chiefly with limitation of armament; the second with the laws and customs of war; the third—the most important commission of all—with Arbitration. Every delegation either in the person of its head or of a colleague designated by him was represented on each commission. The President of the Arbitration Commission was M. Léon Bourgeois, later the French champion of the League of Nations. Pauncefote was an "honorary President" of the Arbitration Commission, as was also Count Nigra, the Italian diplomatist who had been Cavour's private secretary and was one of the great historic figures of the Risorgimento period.

Everybody felt that Arbitration was the biggest question before the Conference. At the plenary

session held on May 20 the President of the Conference, M. de Stael, aptly said :

> It will be permitted me to say that, obeying a general law, diplomacy is no longer an art in which personal cleverness plays an exclusive rôle ; it tends to become a science which must have its fixed rules for the solution of international conflicts. This is to-day the ideal object which diplomacy should have before its eyes ; and incontestably great progress will have been accomplished if it succeeds in establishing here now some of the rules of which I have spoken. Therefore we shall apply ourselves in a quite special fashion, to codifying the practice of arbitration and of mediation or good offices.

Apart from the British, only the United States and Russian delegations had come provided with an actual official draft-scheme for a permanent tribunal of arbitration. Pauncefote, however, had one of his own already thought out and defined, and this was actually the scheme which was first presented in the Conference. The American and Russian plans did not win general acceptance. The German delegation acting on its instructions (which were drafted by the saturnine Holstein)[1] were absolutely against compulsory arbitration, and were unfavourable even to optional arbitration. Pauncefote, fortified by his Instructions from Lord Salisbury, was completely in his element. Schemes or treaties for international arbitration formed the outstanding object of his life. Always fertile in plans and formulas, always clear and conciliatory in putting them forward or amending them, his scheme from the first held the field ; and it was this plan which the Hague Conference ultimately adopted. On June 21 (1899) he was able to write

[1] *Die Grosse Politik*, Band 15, pp. 188-192 (Nos. 4255, 4256).

to Lord Salisbury: "The Committee have practically accepted the whole British project."

The resistance of the German Delegation to the proposals which were brought forward for arbitration made Pauncefote very anxious. He had word that Germany was working upon the Austrian Government to make it join in this opposition. He wrote to Lord Salisbury on this subject, and Salisbury sent the following letter to the British Ambassador at Vienna:

> Sir Julian Pauncefote has grounds for believing that the German Emperor is trying to induce the Foreign Office at the Court to which you are accredited to join him in resisting the efforts which Great Britain, supported by France and Russia, is making to establish a permanent Arbitration Tribunal. It would be a great misfortune if his combination were to succeed. Pray exert all the influence you can over the Minister for Foreign Affairs (Count Goluchowski) to prevent the Government to which you are accredited from supporting him.[1]

This dispatch, which was not made public until 1927, proves the sincerity of the British Government's attitude towards arbitration, and the care which it gave to furthering this cause at the Hague.

The British Ambassador at Vienna, acting on his instructions, visited Count Goluchowski and intimated that Her Majesty's Government "had some reason to apprehend" that the German Government was opposed to the proposal for a permanent International Arbitration Tribunal. Count Goluchowski admitted that the German Government had "communicated to him their

[1] *British Documents on the Origins of the War*, i. No. 279 (Salisbury to Rumbold, June 12, 1899).

standpoint," but stated that "he was not acting in concert with Germany in this affair."[1] The Austrian Government thereupon made at Berlin representations which impelled Herr von Bülow to report to the Kaiser that Germany was quite isolated regarding the Arbitration proposal. The Kaiser, accordingly, modified his opposition.

The Third Commission (or Committee) on Arbitration held its first meeting on May 26. The first Russian project, which M. de Martens had drafted, was dismissed. It contained no provision for a permanent Court. Pauncefote spoke French easily and made a speech, enunciating principles which may be said to have governed all the subsequent proceedings of the Commission.

M. LE PRÉSIDENT,

Permit me to ask you if, before entering further into the matter, it would not be useful and opportune to sound the Commission on the subject of the most important question, according to my view, that is to say the establishment of a permanent tribunal of international arbitration, on which you have touched in your discourse.

Many codes of arbitration and rules of procedure have been made, but the procedure has been regulated until to-day by the arbiters or by general or special treaties.

Now, it appears to me that new codes and rules of arbitration, whatever their merit, do not advance much the great cause for which we are assembled.

If a step in advance is to be made, I am of opinion that it is absolutely necessary to organise a permanent international tribunal which can be brought together at a moment at the request of contesting nations. This principle being established, I believe that we shall not have

[1] *British Documents on the Origins of the War*, pp. 228-229. Cp. *Die Grosse Politik der Europäischen Kabinette*, XV. 259, 302-306.

much difficulty in coming to an understanding with each other upon the details. The necessity of such a tribunal and the advantages which it would offer, as well as the encouragement and even the impetus (*élan*) which it would give to the cause of arbitration, has been demonstrated with equal eloquence, force and clearness by our distinguished colleague, M. Descamps, in his interesting "Essai sur l'Arbitrage", of which there is an extract among the acts and documents so graciously furnished to the Conference by the Netherlands Government. There remains, therefore, nothing more for me to say on this subject, and I would be grateful to you, M. le Président, if before proceeding further, you would consent to gather the ideas and sentiments of the Commission on the proposal which I have the honour to submit to you touching the establishment of a permanent tribunal of international arbitration.

This speech was favourably received by the Third Commission. In order to meet the ideas expressed by Pauncefote, the Russian delegates submitted their second project, which provided for a permanent and obligatory international tribunal of arbitration, but this was only an outline scheme and did not, as at first presented, specify the organisation of the proposed court. It therefore attracted less attention than Pauncefote's scheme which was definite, and the Russian delegation at once abandoned theirs. The United States delegation also decided not to press their scheme for a permanent court, as they recognised that Pauncefote's was simpler and more likely to win acceptance. Lord Salisbury, when informed by Pauncefote of the British delegation's proposal, wrote (May 31, 1899) from the Foreign Office: "The scheme which you

have framed for the constitution of the Tribunal appears to them [H.M. Government] to be judicious, and to have been skilfully put forward."

"Many of the delegates," wrote Pauncefote to Salisbury, "entered upon their duties with the conviction that nothing practical would come of their labours. But before they had been at work a fortnight, a remarkable change came over the spirit of the Conference, and it was discovered that with a little goodwill it would be possible to arrive at a common understanding on some of the questions propounded by the circular of Count Muravieff, and which continue to agitate the civilised world." [1]

Both the Russian and United States projects for a permanent court provided that recourse to it should be obligatory on the part of contesting states, except in cases affecting vital interests or national honour. Pauncefote's scheme was for "facultative" or voluntary recourse, for he believed that to insist upon obligatory arbitration (even with the very large exceptions provided for in the Russian and United States proposals) would prevent the project from meeting with success; on June 27 he was able to write to Lord Salisbury: "Although no official communication to that effect has been made by the German Government, it is now well known that they will no longer oppose the establishment of a permanent tribunal of arbitration, provided that arbitration is in no case made obligatory." On the other hand, his scheme provided for both a permanent court and a permanent council of administration. The Russian delegation objected to the

[1] Pauncefote to Salisbury, July 31, 1899.

establishment of a council of administration, and proposed that this authority should be entrusted to the Government of the Netherlands. The United States delegation opposed this. Various other schemes were prepared. Finally Pauncefote suggested that the supervisory authority should be vested in a council consisting of the representatives of the signatory Powers residing at the Hague. Mr. A. D. White, the First Delegate of the United States, warmly supported this amendment, and it was unanimously accepted.

At the *séance* of July 4, M. von Karnebeck of the Netherlands was still expressing regret that the principle of obligatory arbitration could not be inserted in the Convention. Pauncefote made a brief final speech on this subject; he expressed regret too, but stated that it was necessary to make concessions, "in the face of the categorical instructions of the German delegate, and in order not to lose the precious benefit of the unanimity which has existed hitherto." [1]

The Final Act of the First Peace Conference of the Hague was signed on July 29 (1899). On receipt of this news Lord Salisbury at once telegraphed to Pauncefote: "I congratulate you on the considerable success of the Conference, so largely due to your efforts." Pauncefote, indeed, had gone through an arduous period. His share in the labours of the Third Commission was exacting and onerous, but was rewarded by the momentous establishment

[1] S.E. Sir Julian Pauncefote partage ces regrets, mais il pense qu'il faut faire des concessions, en présence des instructions catégoriques du délégué allemand et pour ne pas perdre le bénéfice si précieux de l'unanimité qui a existé jusqu'ici.

of a permanent court or tribunal of international arbitration. In addition to this labour, he had to supervise the work of the British delegates in the First and Second Commissions, and frequently had to attend their sessions himself. These two Commissions had only a limited success. No covenant was adopted for the limitation of armaments or of military budgets. The German delegation was uncompromisingly opposed to any scheme for limitation.[1] The most that the Conference could secure was the adoption, at the instance of Léon Bourgeois, First French Delegate, of a wish (*vœu*) to the following effect: "that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

The work of the Second Commission relating to the laws and customs of war was more successful; something, although less than was hoped for, was done to mitigate the sufferings of combatants and non-combatants. Yet the only striking success of the Conference was achieved by the Third Commission which produced and obtained acceptance of the scheme for the establishment of the permanent court of international arbitration. Pauncefote, who received widespread recognition for his services in bringing this about, bore generous tribute to one of the Belgian delegates, M. Descamp, whose book on international law was well known. He wrote (July 31, 1899) to Lord Salisbury: "It would be

[1] See speech of Colonel Gross von Schwarzhoff in the fifth meeting of the First Commission, June 25, 1899, in *The Proceedings of the Hague Peace Conferences*, published by the Carnegie Endowment for International Peace (1923), p. 308.

difficult to overrate the brilliant services he has rendered to the Peace Conference, and, indeed, they have been characterised on several occasions in terms of the highest eulogy."

The *séance de clôture* of the Peace Conference was held in The House in the Wood on Saturday, July 29. M. de Stael, President of the Conference, in a graceful speech, estimated the work accomplished. He regretted that the First Commission, charged with military questions, especially the limitation of effectives and of budgets, had reached no material result. He noted with satisfaction the work of the Second Commission in giving a form more precise and more humanitarian to the laws and customs of war. He continued:

> But the work which opens a new era, so to speak, in the domain of the Law of Nations, is the Convention for the pacific regulation of international conflicts. . . . The Peace Conference, with the authority which is attached to an assembly where the civilised states are united, has devoted itself to safeguarding questions of capital interest, the fundamental principles of international law. It has laboured to define, to develop, and to apply them in a more complete manner. It has created on several points a new right responding to new necessities, to the progress of international life, to the exigences of the public conscience, to the best aspirations of humanity. It has wholly accomplished a work which the future will without doubt name "the first international code of peace," and to which we have given the more modest name of "Convention for the pacific regulation of international conflicts." . . . This work is, doubtless, imperfect, but it is sincere, practical and wise.

Pauncefote was no less emphatic in his appreciation of the result. "The most important result of the

Conference," he wrote to Lord Salisbury, " is the great work it has produced in its ' Project of a Convention for the pacific settlement of international conflicts. . . .' Its most striking and novel feature is the establishment of a Permanent Court of International Arbitration, which has so long been the dream of the advocates of peace, destined apparently, until now, never to be realised."

The claim of M. de Stael for the importance of the establishment of the Permanent Court of Arbitration was justified by the hopes of mankind at the time of its inception, and by the work which it subsequently accomplished. A number of international disputes were in the years 1902-1914 and after 1919, referred to the Permanent Court (commonly called the Hague Tribunal) and were settled by it, including the Anglo-German-Italian-Venezuelan armed dispute of 1903. On July 29, 1914, the Emperor Nicholas II of Russia urged the Emperor William II of Germany to agree that the Austro-Serbian dispute should be submitted to the Hague Tribunal,[1] a proposal which, if accepted, would certainly have postponed, and might have averted the greatest war in history.

The Convention for the Pacific Settlement of International Disputes engaged the Signatory Powers, in case of serious disagreement or dispute, to have recourse, before an appeal to arms, to the good offices or mediation of one or more friendly Powers (article 2). Independently of such recourse, the Signatory and any other Powers have the right to offer good offices or mediation, even during

[1] *Collected Diplomatic Documents* (H.M. Stationery Office, 1915), p. 542.

hostilities ; " the exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act " (article 3). " In disputes of an international nature, involving neither honour nor essential interests, and arising from a difference of opinion on points of fact, the Signatory Powers deem it expedient that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an international commission of enquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation " (article 9).[1] The report of such a commission is limited to a finding of facts, and has in no way the character of an award (article 14).

Awards are the result of arbitration. For questions of a legal nature, especially in the interpretation of treaties, arbitration is declared to be particularly suitable (article 16), but (article 17) " it may embrace any dispute or only disputes of a certain category." It is to facilitate settlements by arbitration that the Permanent Court of Arbitration is instituted (article 20). An International Bureau, established at the Hague, serves as registry for the Court, for receiving and dispatching communications, and for keeping the archives (article 22). The members of the Court are composed of persons of known competency in international law and of the highest moral reputation, nominated by Signatory Powers : each Power nominates not more than four persons, and the

[1] It was an International Commission of Enquiry, set up under this article, and sitting at Paris, which led to a settlement of the dangerous dispute concerning the " Dogger Bank Incident " of 1904 between Great Britain and Russia.

whole body forms one panel or general list (article 23). " When the Signatory Powers wish to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the arbitrators called upon to form the tribunal competent to decide this difference must be chosen from the general list of members of the Court (article 24). The Tribunal of Arbitration sits ordinarily at the Hague (article 25). " The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them " (article 27). The Administrative Council which regulates procedure, appoints and dismisses employees, and fixes payments and salaries, consists of the diplomatic representatives of the Signatory Powers accredited to the Hague, and of the Netherlands Minister for Foreign Affairs who acts as president (article 28).

Articles 30-56 are a careful statement of rules of procedure in arbitration cases.

Each party to a case pays its own expenses and an equal share of the expenses of the tribunal. The expenses of the International Bureau which is the registry of the Court are borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

In conversation with the British Ambassador at St. Petersburg concerning the Hague Peace Conference which was just finishing its labours, Count Muravieff remarked that " the results of the labours of the plenipotentiaries had exceeded his expectations." He commented on " the opposition offered

by the German Government to the adoption of the general scheme of arbitration." He added (this is from the report of the British Ambassador): "The Conference was mainly indebted to the experience and very able assistance of Sir Julian Pauncefote, of whom His Excellency spoke in high terms of praise." [1]

On the eve of quitting the Hague at the conclusion of the Peace Conference, to assume his diplomatic duties, Pauncefote wrote to Lord Salisbury (July 31, 1899): "Thanks to the noble initiative of one of the youngest and at the same time one of the most powerful rulers of the world, the great family of nations has met in solemn conclave to devise measures for the settlement of future differences on the basis of reason and justice, and to denounce the arbitrament of the sword. Thus the new century will open with brighter prospects of peace." If these prospects were not fulfilled in the first twenty years of the century it was not because of any fault in the work of the Hague Peace Conference.

At the Hague Pauncefote had no time left to himself, and even his own staff sometimes found it difficult to see him, for the delegates of the other countries were continually paying visits at his hotel to have his opinion on every proposal that was brought forward. Although not President of the Conference he was universally recognised by the delegation as *the* man of it. And the peace of the future is still being sought along the lines which the Conference laid down.

[1] Sir C. Scott to Lord Salisbury, July 24, 1899.

The Permanent Court of International Arbitration still exists and continues its beneficent work alongside of the Permanent Court of International Justice established in 1920, which is a strictly judicial not arbitral body.

CHAPTER XXII

THE END OF A CENTURY

When the Peace Conference was over, Pauncefote on August 1 left the Hague, and went to London for a short holiday. On August 18, 1899, he was raised to the peerage with the title of Baron Pauncefote of Preston, in the county of Gloucester. On October 25 he returned to the Hague for the ceremony of the signing of the Hague Conventions. The British Government had ratified the first two—the Arbitration and Military Conventions—but not the third, the Maritime. With this work accomplished, Pauncefote, pleased with his success in the cause of peace and refreshed by his holiday, went back with his family to Washington.

This was a remarkable moment in British American relations, the turn of the century when the two nations emerged from a hundred years of intermittent friction into a period of calmness and cordiality. Lord Lansdowne and John Hay were Secretaries of State in their respective Governments; Joseph H. Choate and Pauncefote were ambassadors. Harmonious relations were assured.

Lord Lansdowne was Secretary of State from 1900 to 1905, a period covering the end of Pauncefote's ambassadorship, the whole of that of his successor, Sir Michael Herbert, and nearly all that of the

following ambassador, Sir Mortimer Durand. The chief work for which, in foreign affairs, Lord Lansdowne will be remembered is the alliance with Japan and the Entente Cordiale with France. But his ideas went further than this and included cordiality and understanding with all nations. Under him, therefore, Pauncefote continued to find the Foreign Office entirely sympathetic to the policy of American friendship. Indeed the relations of the two countries had never been so harmonious at any previous period.

With Joseph H. Choate, United States Ambassador from 1899 to 1905, Pauncefote had few official relations; for although their sympathies were the same, opportunities of official contact were rare. They were each by early training lawyers, they were strong upholders of international law and of the maintenance of peace by arbitration or conciliation; they were firm supporters of friendship between Great Britain and the United States; and they each won the warm personal respect of the peoples among whom, as ambassadors, they lived. Like Pauncefote, Choate was, as a diplomatist, discretion itself. Unlike Pauncefote, indeed, he spoke much; nobody was ever better known or better liked as an after-dinner speaker than Ambassador Choate. But his speeches and addresses were not political. He could give a historical lecture to a British audience on Benjamin Franklin and the American Revolution, stating all the facts so far as he knew them, just as if he were a historian, without trying to say pleasant things and without saying anything to offend. The Revolutionary War (which was really a Civil War

in the British Empire) was a struggle of secession which had succeeded, and had resulted in the establishment of a great independent Republic—a Republic which at the end of the nineteenth century, Mr. Choate felt, was only at the beginning of its grand career. In an address on the Supreme Court of the United States Choate concluded by saying: "Much has been done, but vastly more remains to be accomplished, and it is still morning with our young Republic." The British people appreciated his patriotism and his optimism, which he habitually expressed without any sort of assertiveness, or any "flag-waving." Coming after Hay in the London Embassy, Choate continued the excellent relations with the official class and with the public in general which Hay had maintained with so much distinction during the period of the Spanish-American War.

In Washington, however, Hay was not finding things quite so easy as Choate did in London. Somehow or other the public or the politicians had conceived the idea that Hay, as Secretary of State, was giving way easily to the views of the British Government although, as Hay wrote to J. W. Foster: "All that I have ever done with England is to have wrung great concessions out of her with no compensation." [1]

Yet a curious rumour had spread itself around in Washington to the effect that Hay had entered into a secret alliance with Great Britain. This idea had arisen, probably, owing to the unusual spectacle of complete harmony between the British and United States Governments. The harmony was especially

[1] Thayer, *Life of John Hay*, ii. 235.

noticeable as it became obvious first during the Spanish-American War (in the time of Hay's ambassadorship) when the rest of Europe was distinctly antagonistic to the United States. Thus when Hay returned to Washington in September, 1898, to take over the conduct of the State Department and to make peace with Spain, he found the diplomatic situation very easy but the political situation difficult. Diplomatically (apart from the negotiations with Spain) there was a kind of halcyon season. The United States had become, through the Spanish-American War, a world-power; and therefore international peace and goodwill henceforth would to a large extent depend on good relations between the United States and the other English-speaking world-power, the British Empire. Consequently, Hay's work as ambassador and as Secretary of State was of the highest importance for world peace and goodwill; and yet at every step he was hampered by politicians who nourished the old, out-worn suspicions of Great Britain. Hay was a Republican, and humorously (as his way was) ascribed the opposition to his foreign policy in the United States to the fact "that all Irishmen are democrats and some Germans are fools."[1] Anyhow the opposition existed, and it was unreasonable.

There were many outstanding differences between the United States and Great Britain and also with other Powers too, which Hay was confident he could deal with, if only the politicians would let him. He had, with difficulty, seen the peace made at the end of the Spanish-American War. "The

[1] Thayer, *Life of Hay*, ii. 235.

Senate had grown more and more unmanageable, ever since the time of Andrew Johnson, and this was less the fault of the Senate than the system." [1] Hay told Adams :

A treaty of peace, in any normal state of things, ought to be ratified with unanimity in twenty-four hours. They wasted six weeks in wrangling over this one, and ratified it with one vote to spare. We have five or six matters now demanding settlement. I can settle them all, honourably and advantageously to our side ; and I am assured by leading men in the Senate that not one of those treaties, if negotiated, will pass the Senate. I should have a majority in every case, but a malcontent third would certainly dish every one of them. To such monstrous shape has the original mistake of the Constitution grown in the evolution of our politics. You must understand, it is not merely *my* solution the Senate will reject. They will reject, for instance, any treaty, whatever, on any subject, with England. I doubt if they would accept any treaty of consequence with Russia or Germany. The recalcitrant third would be differently composed, but it would be on hand. So the real duties of a Secretary of State would seem to be three ; to fight claims upon us by other States ; to press more or less fraudulent claims of our citizens upon other countries ; to find offices for the friends of Senators when there are none. Is it worth while—for me—to keep up this useless labour ? [2]

Hay nearly broke down under the task, and in the end it killed him, but not until he had fulfilled his objects. Without Pauncefote's quiet but powerful help—so Hay's friend Adams wrote—Hay could not have carried on his work.

At home, interests could be easily combined by simply paying their price ; but abroad, whatever helped on one

[1] *The Education of Henry Adams*, p. 374. [2] *Ibid.*

side, hurt him on another. Hay thought England must be first brought into the combine; but at that time Germany, Russia and France were all combining against England, and the Boer War helped them. For the moment Hay had no ally, abroad or at home, except Pauncefote, and Adams always maintained that Pauncefote alone pulled him through.

In 1900 Hay made a great success in engaging in the International Expedition to rescue the Pekin Legation from the Boxers, but in so doing subject to an international guarantee (due to Hay's initiative) of the Open Door in China. Adams, who had been in France, returned to Washington in January, 1901, and found "things going fairly well." Even Hay's colleagues and the Senators were "less fidgety," but he adds: "Pauncefote still pulled the whole load and turned the dangerous corners safely," while Cassini, the Russian ambassador, and Holleben, the German ambassador, "helped the Senate to make what trouble they could." [1] Hay's policy of removing all grounds of international irritation, one after the other, and of closing all discussions, met with obstruction, yet made steady progress. "The price actually paid was not very great, except in the physical exhaustion of Hay and Pauncefote, and McKinley." [2] Certainly the times were full of difficulties, and extra caution was required on the part of the diplomatists. Caution, however, was one of Pauncefote's most marked qualities, so much so that Hay said: "Pauncefote has apparently no power to act or even to talk." All the same he was carrying out tasks "that filled an ex-private

[1] *The Education of Henry Adams*, p. 393. [2] *Ibid.* p. 394.

secretary of 1861 (of the American Legation in London) with astonishment." [1]

Thus the century ran out with the best of official relations between Great Britain and the United States. In addition to big questions—China, the Alaskan Boundary, the Panama Canal—on which Pauncefote had to negotiate, the pressure of routine Chancery business went on unendingly. Yet it was a pleasant period in Pauncefote's life, a sort of Indian Summer before the end of his career. "It may be questioned," writes the biographer of a subsequent ambassador, "whether there is in the world any purely artificial city so beautiful as Washington. It rises like a casket of stainless ivory, into skies of turquoise." [2] The British Embassy, which will soon have a home in every respect worthy of this lovely capital, was in Pauncefote's time housed in the "unsightly building" on Connecticut Avenue. Here the diplomatic household of the Ambassador worked in complete harmony.

The Embassy Staff at this time (1900) had as its first secretary Gerald Augustus Lowther. He had been appointed attaché in 1879, became a third secretary in 1881, and had served successively at Paris, Constantinople, Vienna, Bucharest, Sofia, and Tokio. He afterwards attained to one of the highest posts in the diplomatic service, that of ambassador at Constantinople.

The second secretary was Reginald Thomas Tower. This diplomatist began his official career as an attaché in 1885; served first at Constantinople,

[1] *The Education of Henry Adams*, p. 436.

[2] H. A. L. Fisher, *James Bryce* (1927), ii. 13.

was second secretary at Madrid in 1892, and subsequently served at Copenhagen and Berlin. In 1897 he went to the Washington embassy as second secretary, and during Pauncefote's absence in June and July 1897 he was *chargé d'affaires*; and in 1899, during the months when Pauncefote was at the Hague Conference, he again was *chargé d'affaires*. In 1900 he was promoted to be first secretary at Pekin, later he was minister plenipotentiary to Mexico, after that to the Argentine, and ultimately was High Commissioner for the League of Nations at Danzig in 1919-20. Besides Tower, there were at Washington in 1900 two other second secretaries, each of whom won distinction in the diplomatic profession. One was Charles Eliot, a Balliol scholar of great brilliance and Fellow of Trinity, Oxford. He had been *chargé d'affaires* at Sofia, and wrote, under the name of Odysseus, a remarkable book on the Balkans. His later career included service as ambassador at Tokio. The other second secretary was W. G. Max-Müller, who became Minister Plenipotentiary to Poland after the reconstitution of that state in 1920.

Pauncefote's relations with his staff followed the well-established tradition in the British embassies, according to which an ambassador and his staff formed one household. The Washington staff did not actually live under the same roof with their chief, as they did at Constantinople; they found lodgings or apartments for themselves in the neighbourhood; yet they dealt so constantly and familiarly with the ambassador that they formed a diplomatic family.

With his staff Pauncefote was the kindest of chiefs.

He was methodical and exacting, yet simple and approachable. All the members of the staff were invited to lunch every day, and to dinner usually twice a week. Although he made no attempt to keep up such magnificent state as Lord Lyons, for instance, had maintained at Washington, yet everything was extremely well done at the legation and embassy in Pauncefote's time. His official salary was £6000, and there was no regular entertainment allowance or expenses such as are given now to each ambassador. He did not attempt to keep up any great ambassadorial state, but the Embassy was properly *montée*, and his hospitality was unbounded although never elaborate. A member of his staff attests that he was the most hospitable man he ever knew.

His judgment was cool and deliberate, in contrast with that of his brilliant contemporary Sir Robert Morier, who made decisions as it were by inspiration, in the twinkling of an eye. Pauncefote would be given a newly deciphered telegram by a secretary about 5 o'clock in the afternoon. He would reflect over it, dine, sleep the night on it. At ten or half-past ten next morning the answer was ready for the secretary to put into code for dispatch to London, and it was the right answer—such at least is the opinion which still survives from his staff of those days.

Except in times of crisis there was no great pressure of business. There was the weekly diplomatic bag, and there were two or three important telegrams from London each week. Typists were not employed. Pauncefote did an enormous

amount of work personally; the staff was largely employed in copying. Chancery work did not usually begin until 10 or 10.30 in the morning, and it was generally over by lunch-time. In the afternoon the staff often played tennis. When Michael Herbert was First Secretary Theodore Roosevelt frequently joined in the tennis-foursomes. Pauncefote's labours were necessarily more continuous than those of his secretaries, and his habits became rather sedentary. He no longer fenced or rode. Music was his chief relaxation, and sometimes in the evening he could be prevailed upon to sing. Although considered to be a little formal in manner by the public, with his staff he was cheerful and easy. There was a coloured servant (Charlie Browne) in the Embassy whom the staff found to be extremely efficient, and they jokingly suggested to Pauncefote that he should recommend Charlie for a Commandership of the Bath. "Yes," said Pauncefote, "the right title for him is C.B.—*clever black*."

It was said of Sir Robert Morier that he kept his papers in no sort of order, holding that if you did not know what was in a packet you might, in searching through it, have the luck to find something very important. This statement is more than an exaggeration, but it represents the sort of gossip that goes about among the junior ranks in the Chancery. They never said anything like that about Pauncefote. His papers were invariably in perfect order, and no time was ever lost in handling them.

Pauncefote, always business-like, left the family breakfast table about nine o'clock, and started work on his papers. When the secretaries arrived about

ten he went into the Chancery, which was under the same roof as the ambassador's private apartments. He would courteously greet the secretaries and attachés and see how the work of the day was to be distributed. If the weekly diplomatic bag had just arrived it would be opened and sorted by the first secretary. Pauncefote would carry off the dispatches to his own room to read them. The rest of the forenoon would pass in the writing or dictating of drafts with the secretaries, or talking over the answers to be made to various letters and requests. Here the relation was always that of master and pupil or master and assistant. For Pauncefote had no need of any " coaching " from the members of his staff. Professional diplomatists though they were, and men of years and discretion, they were apprentices compared with a chief who had held the position of Under-Secretary of State and who had represented Great Britain for ten years at Washington. A difficult piece of business would come in by the diplomatic bag from London, or direct from the State Department on Pennsylvania Avenue. Pauncefote would quietly assimilate the business ; then would briefly indicate in conversation with one of his staff how it should be dealt with ; the secretary would go off to draft the reply ; when it was done he would bring it to Pauncefote, who would carefully go through it and suggest improvements. Something might have arisen to take the ambassador to the State Department. He would walk over Lafayette Square, and be admitted to the Secretary of State's room—the big room with the shining mahogany table and the straight-backed chair for

the Secretary, and the deep leather-covered arm-chairs for visitors. The Secretary of State and the Ambassador knew and trusted each other. Pauncefote, wrote Hay to a friend, is "of course always mindful of the interests of his country," but his "breadth of view" and "spirit of conciliation" made negotiations "very easy" and "very agreeable." Hay's somewhat dashing methods of speech and humorous expressions were a striking contrast to Pauncefote's conversation, which was courteous and amicable, but always correct and even a trifle formal. Yet the two men were on the best of terms together, for fundamentally they were the same—open-minded, very sensitive to questions of honour and good-conduct, absolutely honest and straightforward. Henry Adams wrote that without the British Ambassador Hay's brilliant secretaryship would have failed; there were so many people working to make trouble but "Pauncefote . . . turned the dangerous corners safely."

After the forenoon's work came luncheon, which Pauncefote took with his family. But there was not much time for rest. There was always plenty of routine business in the Chancery, or there might be enormous files of documents to go through on the seal-fisheries, the Alaskan boundary, or any of the twelve major questions which, it was officially agreed, disturbed the relations of the United States and Canada. In the evening there might be a dinner party at the Embassy, for Pauncefote and Lady Pauncefote entertained regularly and frequently; or they might be dining out, for they were the recipients of the most wonderful and continuous

hospitality. Everybody of any note or interest who visits the United States stays at Washington. Pauncefote had little love for formal entertaining on the grand scale, but he never showed any backwardness in it. It was one of his customs to give dinner to thirty guests at a time reasonably often —which meant about once a fortnight—so that many angels were entertained unawares. Hay knew Pauncefote well enough to be able to steal his guests on occasion. Once (this was before Hay was even ambassador, still less Secretary of State) Sir Cecil Spring-Rice paid a visit to Washington and engaged himself to dine with the Pauncefotes; but (doubtless for the best of reasons of state) he threw over the English engagement and went to dinner with Hay instead. "Spring-Rice behaved himself very well here," wrote Hay—evidently the dinner was a success. "The Pauncefotes were good-natured and did not seem to bear malice." They were always good-natured, and that is one reason why Washington society took so easily to them: they were pleasant and unaffected and pleased with their American environment; they remained British, they *looked* British, but they never seemed in any sense to be strangers. Their house was one of the most hospitable in Washington. M. Cambon, the French Ambassador, called it *L'hôtel anglais*.

A friend, Mr. Moreton Frewen, wrote:

In those days the domestic atmosphere of the British Embassy, or "The Embassy" as it was invariably called to Holleben's great disgust, had quite a lot to do with Lord Pauncefote's success. The young ladies of the house were omnipresent. Certainly the diplomatic fiction that

the Embassy is " British soil " was in that case at least no fiction. A fine old Western Senator said to the writer: " I go to Lady Pauncefote's every week or two to tea so that I may better explain to my folks in Reno or Carson what sort of people live and how they live in your big country homes that we see from your railroads as we pass through England." And this was a true note. It was " the Squire's " home, only in this case " the Squire " himself was also a trained diplomat.

CHAPTER XXIII

THE CLAYTON-BULWER CANAL TREATY

The Panama Canal and the Suez Canal are the world's inter-oceanic waterways, the vital links in the circulation of men and things. It is a remarkable fact that one man, not an engineer who could be associated with construction nor a cabinet minister who could direct policy, should be powerfully connected with both great waterways. The most important fact with regard to the Suez and Panama Canals, apart from their inter-oceanic position, is that they are by international law open to the ships of commerce and of war of all nations, and equally in times of war and of peace. Pauncefote, through his work on the Suez Canal Commission in 1885, and through his treaty negotiated with John Hay in 1901, was dynamically concerned in securing the freedom of each of the Canals without restriction in perpetuity.

That a canal would some time or other be made between the Atlantic and the Pacific Oceans was as certain as anything could be which is within the scope of mankind. That, when undertaken, it would be the work of the people of the United States was at least probable, in view of the fact that they have the greatest extent of continuous coastline on both oceans, and that since the promulgation

of the Monroe Doctrine they have been determined to enforce the paramountcy of their influence throughout the entire continent and particularly in Central America.

The diplomacy of the Panama Canal Question may be considered to begin with the negotiation of the Treaty of 1846 between the United States and New Granada or Colombia. Under the energetic direction of President Polk the United States had annexed Texas in 1845, and in 1846 was involved with Mexico in a war which was bound to have as its conclusion the annexation of California. It was consistent with the rules of the policy of Polk, an undemonstrative but far-seeing statesman, that the position of the United States with regard to any possible way-leaves across the isthmus of Central America should be made clear and secure. Negotiations were undertaken and were completed by a treaty signed at Bogota by the United States *chargé d'affaires* and the New Grenada Secretary of State on December 12, 1846.

By the preamble of this treaty the United States and New Grenada (or Colombia, as it is now called) declared their resolve "to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between each other." One of these rules was: "the Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States"; on their

part, the United States agreed to " guarantee positive and efficaciously, to New Grenada, by the present stipulation, the perfect neutrality of the before mentioned isthmus " (article 35).

Besides the United States, Great Britain, chiefly owing to its dependence on world-wide maritime communication and commerce, was vitally interested in the political situation in Central America in so far as that political situation was concerned with the present or future conditions of trade and transit there. Lord Palmerston, who was Secretary of State for Foreign Affairs from 1846 to 1851, and who had in a high degree the qualities of industry and imagination, was alive to the importance of the Central American inter-oceanic question, just as he had already been considering the possibilities of communication between the Mediterranean and the Red Sea.[1] In 1849 Palmerston and Bancroft, the American minister to the Court of St. James, had conversations on the question of a proposed Isthmian canal. This question was a very delicate matter. The United States Secretary of State, John M. Clayton, wrote to Rives, another envoy who was going to confer with Palmerston: " We are deeply anxious to avoid any collision with the British Government in relation to this matter; but that collision will become inevitable if great prudence be not exercised on both sides." Rives, when he had an interview with Palmerston, told him roundly (following Clayton's instructions) that the

[1] A dispatch from Lord Palmerston to Lord Ponsonby, British Ambassador at Constantinople, dated August 23, 1834, outlines a project of the Board of Control of India for " regular steam navigation with India by way of the river Euphrates "—F.O. Turkey, 234, No. 42.

United States sought "no exclusive privilege or preferential right of any kind in regard to the proposed communication," but could never consent to see so important a communication fall under the exclusive control of any other great commercial power." Palmerston thought this a fair enough statement, and authorised Sir Henry Lytton Bulwer, British Minister at Washington, to open negotiations with Clayton at the State Department. Bulwer carried out the mission successfully, and the Clayton-Bulwer Treaty was signed at Washington on April 19, 1850.

The United States New Grenada Treaty of 1846 had not actually mentioned the Canal Question at all; it had only established the rule that if any new mode of communication was constructed across the Isthmus of Panama it should be open and free to the Government and citizens of the United States; in return the United States guaranteed the neutrality of the Isthmus. The Clayton-Bulwer Treaty carried the matter forward another stage. Its main object, as stated in the preamble, was to define the British and United States "views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by way of the river San Juan de Nicaragua." By article 1: "The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or

fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." By article 5 the two Governments engaged themselves to guarantee the neutrality and security of the canal; and by article 6 " to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other." Finally, although the first seven articles of the treaty only referred to a canal to be constructed through Nicaragua, article 8 stated:

> The Governments of the United States and Great Britain having not only desired, in entering into this connection, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. . . . The same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The Clayton-Bulwer Treaty successfully passed the Senate, but soon objections to it were manifested on the side of the United States. It was in accordance with the traditions of the policy of the people of the United States that the interoceanic canal,

when constructed, should be kept open to the commerce and even to the ships of war of all nations; probably from the very first they became doubtful of the advisability of debarring themselves from having the control of the canal and from being able to fortify it; and still more were they doubtful of the policy of permitting European nations to participate in guaranteeing the neutrality of the canal and of a part of Central America. For this would seem to be something like a voiding of the Monroe Doctrine. A movement existed in Congress at least as early as 1857 for annulling the Clayton-Bulwer Treaty. The prevailing view in the United States was that Great Britain had not fulfilled the conditions of the agreement for, "in the opinion of the American Government the treaty was meant to be retrospective as well as prospective, and demanded British withdrawal from Central America.[1] The British Government on the other hand regarded article 1 as being only prospective, prohibiting further territorial and political extension in the region."[2] At the time of the exchange of ratifications (July 4, 1850) of the treaty (or convention) Bulwer, as instructed by Palmerston, had declared that "Her Majesty's Government do not understand the engagements of that Convention as applying to Her Majesty's settlement at Honduras, or to its dependencies," while Clayton acknowledged that the treaty was not understood to include the British settlement at Honduras nor the small islands in the neighbourhood.[3] There

[1] Williams, *Anglo-American Isthmian Diplomacy* (1916), p. 158.

[2] *Ibid.* [3] *Ibid.* pp. 103, 105.

was some idea in Congress that the treaty could be annulled on the ground that Great Britain retained a protectorate over the land of the Mosquito Indians on the coast of Nicaragua and that she had occupied the Bay Islands off Honduras in 1852; but if these objections were valid they were met by the concession which the British Government made, in view of the United States' Government's protests; for in 1860 Great Britain by treaty ceded the Bay Islands to the Republic of Honduras and recognised the sovereignty of Nicaragua over the Mosquito Coast. Therefore on these grounds there could be no complaint that the British Government was not carrying out the terms of the Clayton-Bulwer Treaty in the spirit and the letter. It is true that the conversion in 1862 of Belize (Honduras) from the technical position of a British "settlement" into that of a British "colony" was stated by Mr. Frelinghuysen, United States' Secretary of State, in 1882 to be a violation of article 1 of the Clayton-Bulwer Treaty. This objection, however, was not pressed; and by the end of the nineteenth century, although the desire on the part of the United States for annullment was stronger than ever, every responsible person admitted that the British Government had faithfully observed the treaty. One thing which public opinion desired most ardently with regard to any canal that might be made was that the United States, while maintaining the principle of unrestricted use for all the world, should have sole control of the waterway; yet sole or "exclusive" control was precisely the thing which article 1 of the Clayton-Bulwer Treaty prohibited.

Mr. Blaine, however, raised an argument that as article 1 only mentioned an interoceanic canal by way of the river San Juan de Nicaragua, it did not prohibit exclusive control of the United States over a canal to be made by any other route. On the other hand article 8 of the Clayton-Bulwer Treaty extended the protection of the Contracting Parties "to any other practicable communications, whether by canal or railway, across the Isthmus." Mr. Blaine contended (in a dispatch sent through Minister James Russell Lowell, November 29, 1881) that this article did not stretch the guarantees or restrictions of article 1 over those other practicable routes—that is to say, did not prohibit exclusive control by the United States. The Law Officers of the British Crown, however, held that the conditions of article 1 of the Clayton-Bulwer Treaty applied to any routes mentioned in subsequent articles. Subsequent United States' Administrations seem tacitly to have accepted this view.

Nevertheless opinion continued in the United States to be very hostile to the restrictions imposed upon future policy by the Clayton-Bulwer Treaty. Yet the treaty had been freely entered into by both parties, and it was not reasonable to expect Great Britain to forego her just rights. Michael Herbert, who was *chargé d'affaires* at Washington in the interval between the departure of Sackville-West in 1888 and the arrival of Pauncefote in 1889, wrote to the Foreign Office: "I think it very important that the Clayton-Bulwer Treaty should be kept in the foreground during the next few years. . . . The Americans in general hate the

Treaty and are always inclined to pretend that it has lapsed." [1]

The only reasonable ground for abrogation of the treaty was that which was advanced (among other arguments much less good) by Mr. Blaine when Secretary of State in 1881. Mr. Blaine had declared in a Note to Lord Granville that the Clayton-Bulwer Treaty was thirty years' old and had been made under conditions which had now ceased to exist. On this there could be founded a reasonable claim for revision of the treaty through mutual agreement of both contracting parties, if such agreement could be reached. Obviously the question could only be solved by very careful negotiation on the part of statesmen who adopted an attitude of reasonableness, of understanding each other's point of view, and who, above all, were perfectly straightforward and never suspected each other of trying to steal a march or to secure some unsuspected advantage. For such a task Pauncefote and Hay were just the men.

[1] Mr. M. Herbert to Mr. Jervoise, Washington, March 8, 1889.

CHAPTER XXIV

THE FIRST PANAMA CANAL CONVENTION

The opening of the Suez Canal in 1869 made the question of an Atlantic-Pacific Canal more than ever a living thing to the people of the United States. Ten years later the successful maker of the Suez Canal, Ferdinand de Lesseps, obtained from the Government of Colombia a concession for constructing a canal across the Isthmus of Panama. This incident aroused alarm among the people of the United States; and President Hayes declared, in a special message to Congress, March 8, 1880: "the policy of this country is a canal under American control." This statement was counter to article 8 of the Clayton-Bulwer Treaty by which "the United States and Great Britain . . . agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, . . . which are now proposed to be established by the way of Tehuantepec or Panama." Correspondence concerning the Canal Question went on between the State Department and the Foreign Office all through the whole time of Pauncefote's mission, from 1889 onwards. A considerable number of joint resolutions over the abrogation of the Clayton-Bulwer Treaty were at different times introduced in Congress, but all failed

to pass. In 1895, however, a bill was passed for giving the United States control of a canal which a private company was beginning to construct by way of Nicaragua. A question relative to this was asked in the House of Commons. Sir Edward Grey, Parliamentary Under-Secretary for Foreign Affairs replied: "there was no reason to believe that the American Government did not mean to keep its treaty engagements." [1]

The best legal and political minds in the United States squarely faced the fact that the Clayton-Bulwer Treaty was a proper contract and could not be disregarded. In 1893, Sidney Webster, a well-known member of the legal profession in New York, published an article in which he plainly decided against Blaine's method of simply ignoring the Treaty.[2] This legal view was supported in the highest political quarters. Secretary of State Olney, although stiff, almost bellicose, in his insistence on the validity of the Monroe Doctrine, was perfectly straight in his attitude towards treaties. With regard to the Clayton-Bulwer Treaty he wrote:

> If changed conditions now make stipulations, which were once deemed advantageous, either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty or to explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.[3]

This was language which the British Government

[1] Williams, *Anglo-American Isthmian Diplomacy*, 288; *Hansard*, from the Series xxx, 745-746.

[2] Sidney Webster in *Harper's Weekly*, September 1893.

[3] Williams, *op. cit.* 288. Moore, *Digest of International Law*, iii. 208-209.

could understand and with which it could not fail to sympathise.

The thing which, apparently, brought the whole question to a head was the Spanish-American War, and particularly the long cruise which the United States battleship *Oregon* had to make around Cape Horn in order to take part in the hostilities. As Theodore Roosevelt wrote later, " the loss of time involved in the long journey from the West Coast round Cape Horn was a naval disadvantage which might have the gravest results in war."

The failure of the French Canal Company in 1889, and the opportunity for the United States' Government to purchase the French Company's concession, had cleared the way for the project of a United States canal through Panama. By December 10, 1898, the Spanish-American War was over, and the treaty of peace signed. The moment was particularly propitious for an adjustment of any difficulties which might still be disturbing the relations of Great Britain and the United States. The sentiment of friendship between the two peoples had never been so strong and clear.[1] Nevertheless the British Government recognised that this cordial sentiment was not likely to last unimpaired on the side of the people of the United States if the Clayton-Bulwer Treaty continued to block the United States Canal project. The annual message of the President for December, 1898, " had again called attention to the need of the nation and urged action." Mr. McKinley's words were :

[1] Reuter, *Anglo-American Relations during the Spanish-American War* (1924), p. 177.

All these circumstances [concerning the Nicaragua Canal Commission] suggest the urgency of some definite action by the Congress at this session if the labours of the past are to be utilised and the linking of the Atlantic and Pacific oceans by a practical waterway is to be realised. That the construction of such a maritime highway is now more than ever indispensable to that intimate and ready intercommunication between our eastern and western seaboards demanded by the annexation of the Hawaiian Islands and the prospective expansion of our influence and commerce in the Pacific, and that our national policy now more imperatively than ever calls for its control by this Government, are propositions which I doubt not the Congress will duly appreciate and wisely act upon.

The President's message was known immediately by telegraph in Great Britain, where it aroused very unfavourable comment. Pauncefote called upon Hay (who had recently come from the London Embassy to be Secretary of State) for a talk, friendly but serious, " in order to elicit some information as to the attitude of the President." He was able to report to the Foreign Office : " Mr. Hay spoke very frankly and openly on the situation."

Mr. Hay emphatically assured Pauncefote that the President had no intention whatever of ignoring the Clayton-Bulwer Convention, and that he would loyally observe the Treaty stipulations.

But in view of the strong national feeling in favour of the construction of the Nicaragua Canal, and of the improbability of the work being accomplished by private enterprise, the United States Government were prepared to undertake it themselves upon obtaining the necessary powers from the Congress. For that purpose, however, they must endeavour, by friendly negotiation, to obtain

the consent of Great Britain to such a modification of the Clayton-Bulwer Treaty as would, without affecting the "general principle" therein declared, enable the great object in view to be accomplished for the benefit of the commerce of the world.[1]

In the same month, December, 1898, Mr. Henry White, Secretary of Embassy and *chargé d'affaires* until the arrival of Mr. Choate as Ambassador, asked for an appointment with Lord Salisbury. Lord Salisbury invited him down to Hatfield, talked over the question of a new treaty, and showed great readiness to meet the point of view of the United States (December 10, 1898). White returned to London, having accomplished a very good piece of work: he had brought matters to a position in which the preparation of a new treaty could be actually undertaken. The Foreign Office, very properly, felt that this task, so vitally concerned with international law as well as diplomacy, was one for Pauncefote. So the negotiations were transferred from London to Washington. Pauncefote and Hay at once settled to the work, and in a few weeks a convention was drafted and completed, by January 11, 1899. Then came a hitch in the negotiations.

"Sir Julian's conduct," wrote Hay to Henry White, "has been everything that we could desire."[2] The delay came from the Foreign Office. In 1898 Pauncefote had helped to arrange for the settlement of outstanding differences between Canada and the

[1] *Parliamentary Papers*, 1901, xii. 1050.

[2] Thayer, *Life of Hay*, letter of Feb. 14, 1899. Pauncefote was not made a peer until October of this year.

United States by means of a Joint High Commission. This commission, in which the chairman of the British panel was Lord Herschell, was sitting at Washington at the end of 1898, considering the various questions at issue, including the Alaskan frontier; but it made very little progress. Meanwhile the draft Canal Convention had been made by Hay and Pauncefote, and had gone to the Foreign Office, where it lay for some time, as it were, in reserve. When Henry White, impelled by a dispatch from Hay, asked Lord Salisbury whether an answer might be expected in regard to the Convention, Lord Salisbury replied "that he could not help contrasting the precarious prospects and slowness of the negotiations which were being conducted by Lord Herschell with the rapidity of the decision proposed in the matter of the Convention."[1] Hay was indignant. "I think it deplorable," he wrote to White, "that the British Government insists on making the Clayton-Bulwer matter depend on the successful issue of the Canadian negotiations."[2] Pauncefote had in the previous week written to Salisbury warning him: "I feel convinced that this Government would never consent to deal in that treaty with any question but the Nicaraguan Canal."[3]

The last meeting of the Joint High (Herschell) Commission took place on February 20 (1899); it accomplished nothing. In these circumstances the Foreign Office just let the draft Canal Convention

[1] *Parliamentary Papers*, 1901, xii. 1050.

[2] Feb. 14, 1899. Thayer, *op. cit.* ii. 217.

[3] Pauncefote to Salisbury, Feb. 6, 1899.

lie. It was still-born. Pauncefote went off to his duties at the Hague Conference (May–July, 1899). Without him there seemed no chance of settlement of the Canal question. Hay pinned his faith on Pauncefote's " return from the Hague."

CHAPTER XXV

THE PANAMA CANAL (HAY-PAUNCEFOTE) TREATY

When Pauncefote, now a peer, returned from the Hague, Hay felt that the Canal question would be taken up once more. Soon after his arrival at Washington a bill was introduced (or, rather, reintroduced) in Congress (January, 1900) empowering the United States Government to construct a canal through Nicaragua. "It was probable that the bill would be passed." This looked like the expression of a determination on the part of Congress to make the Administration go ahead with a canal-project of its own, regardless of the Clayton-Bulwer Treaty. Hay himself would have resigned rather than take part in such a project.

When the bill was last introduced Hay had written to Henry White: "In the usual reckless manner of our Senate, they are discussing the matter with open doors every day, and are getting themselves so balled up with their own eloquence that it is greatly to be feared they will so commit themselves as to consider themselves bound to reject any arrangement that may be made."[1] And the same thing might happen again now. "Mr. Hay has spoken to me on this subject," wrote Pauncefote

[1] Thayer, *op. cit.* ii. 216.

to Lord Salisbury, immediately after returning from the Hague, " and is alarmed at the prospect of the early passage of the bill. He has consequently instructed the United States Ambassador in London by this mail to urge upon your Lordship the desirability of concluding immediately a Convention such as proposed last year, modifying the Clayton-Bulwer Treaty. A draft of this Convention was transmitted by me in my dispatch No. 18 of the 13th January, 1899, to your Lordship. Mr. Hay assures me that such a Convention would pass the Senate, and that the situation would thus be saved. Even Senator Morgan, he tells me, would vote in favour of it." [1]

There were, however, one or two obstacles in the way of a new Canal Convention. For one thing other Powers besides Great Britain were interested in the integrity of the Clayton-Bulwer Treaty, because they would benefit by its guarantee of an open and neutral waterway. In the second place the Canadian Government felt that it had a direct interest in the negotiations and that it ought to be consulted. In the third place the British Cabinet held that if the proposed canal was to be entirely in the control of the United States, this would (by assuring free passage of the American Atlantic and Pacific fleets) practically double the strength of the United States Navy. The United States Government was asking the British Government to agree to this great accession of naval strength at a time when war might any moment break out between the

[1] Pauncefote to Salisbury, January 21, 1900; Senator Morgan, Democratic Senator from Alabama enjoyed great influence at Washington.

two countries over the Alaskan Boundary Question. This was the reason why Lord Salisbury tried so persistently to make the settlement of the Alaskan Boundary the condition on which Great Britain would consent to modify the Clayton-Bulwer Treaty. Looked at from this point of view Lord Salisbury's attitude was not one of bargaining to gain an advantage from the United States: it was really statesman-like foresight to satisfy the aspirations of the United States in the Canal Zone, and to avert the possibility of war over a question of territory—territory which, it must be remembered, would be vitally affected by the construction of the canal.

Pauncefote, however, had already in the previous year definitely advised his Government not to try and connect the Alaskan and the Canal negotiations. The position was concisely stated in a Foreign Office memorandum.

> The Cabinet, to whom the question was submitted, felt that the force of the United States Navy would in war be doubled by the projected Canal. They were averse to obstructing what might be of value to commerce, but they feared that if they yielded a point so entirely to the advantage of the United States without some diminution at least of the causes which might bring the two countries into conflict, there would be serious dissatisfaction in this country. [This was why Pauncefote was instructed, reasonably enough, to ask " whether it would be possible to have the question of the Alaskan boundary settled in this same Treaty."] Sir Julian Pauncefote reported, however, that he was convinced that the United States Government would never consent to deal in the proposed Convention with any question but that of the Nicaraguan

Canal; but that the President might give an assurance that he would endeavour to obtain a declaration from Congress that in view of the friendly attitude of Great Britain in regard to the Clayton-Bulwer Treaty British shipping might, from the time that the Canal was opened, be placed on the same footing as American shipping in the carrying trade between the United States and her new acquisitions beyond the sea.

Her Majesty's Government did not see how any Convention with respect to the Clayton-Bulwer Treaty could be signed by this country, as public opinion would scarcely support them in making a concession which would be wholly to the benefit of the United States at a time when the United States appeared so little inclined to come to a satisfactory settlement in regard to the Alaskan boundary.

Hay would have resigned from the State Department, but this would not have stopped Congress from carrying out its design to construct a canal, under exclusive United States control, ignoring the Clayton-Bulwer Treaty. Moreover, the refusal of Great Britain to concur in a Canal-Convention was certain to have an unfortunate effect upon British-American relations. Such a refusal (Joseph Chamberlain had written to Lord Minto, Governor-General of the Dominion of Canada), "would be regarded as an affront to the United States Government, and would tend to shake the position of the President, whose friendly attitude is in the present condition of public affairs of great importance."[1] Mr. Chamberlain therefore expressed a hope that Lord Minto "in the interests of the Dominion as

[1] Chamberlain to Minto, Jan. 30, 1900.

well as those of the rest of the Empire" would concur in the advisability of Her Majesty's Government signing at once. The Canadian Cabinet intimated that it did not object to this. Mr. Chamberlain, in a communication to Lord Minto, commended the Canadian Government for its patriotic attitude. The Colonial Office informed the Foreign Office that Canadian interests would be effectively served if Pauncefote was instructed to carry on the negotiations on the Canal question, while conferring at the same time with the members of the Dominion Cabinet who were present in Washington.[1]

Pauncefote, as soon as he returned from the Hague in the autumn of 1899, had resumed conversations with Hay. The British Government consented to the renewal of the negotiations, without stipulating for the equivalent of a settlement of the Alaskan Boundary. The defunct Canal Convention of 1899 was revived; and on February 3, 1900, Pauncefote was able to inform Lord Salisbury by telegraph that he and Secretary of State Hay had agreed to sign; "The Secretary of State has expressed his profound gratification."

On February 5 (1900) Pauncefote signed along with Hay the Canal Convention. To Lord Salisbury he wrote: "Mr. Hay desires me to convey to your Lordship his very warm congratulations on having brought about this happy result. Mr. Hay also desires me to say that he fully appreciates the magnanimity Her Majesty's Government have

[1] Memorandum by Mr. Larcom of the Foreign Office, January, 1900. Members of the Dominion Cabinet were in Washington on account of the recent Joint High Commission.

shown in treating this matter of world-wide importance." [1]

The friendliness and indeed magnanimity of the British Government was appreciated by well-informed public opinion in the United States. The *New York Tribune* pointed out that the absence of any stipulation for a *quid pro quo* on the part of Great Britain was evidence of "the changed condition of relations between the two countries." The writer held that the majority of United States citizens would regard the Canal Convention as a triumph of diplomacy for the good of both parties and for the humiliation of neither, and as an advance in the direction of improved international relations." The history of the negotiations (the *Tribune* declared) proved that the United States had been honourable and consistent too: it had not taken advantage of Great Britain's difficulties in the Boer War to exact favourable terms.[2]

The Canal Convention bore the marks of Pauncefote throughout, for, while it admitted the right of the Government of the United States to construct and exclusively to control the Canal, it included the neutralization rules and the rules for complete freedom of traffic, as incorporated in the Suez Canal Convention of 1888—the convention which was the handiwork of Pauncefote when Under-Secretary of State. The last rule, with the necessary changes, read: "No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to

[1] Pauncefote to Salisbury, Feb. 5, 1900.

[2] *New York Tribune*, February 6, 1900.

maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

In accordance with the United States Constitution the draft Convention had to go before the Senate. The Senate seemed likely to approve, but only with such amendments as would materially modify the Convention and so make it inacceptable to the British Government. "I would far rather see it defeated by a minority than so changed as virtually to defeat it by a majority," wrote Hay on February 7, 1900, to Senator Lodge. The Senate fixed on the article which prohibited fortification of the Canal, and added an amendment permitting defence measures, and two other important amendments. On the other hand, the Ministers of Nicaragua, Costa Rica and Guatemala were "particularly pleased with the article about fortifications . . .—their natural susceptibilities having been considered, and their apprehensions allayed by that clause."[1] Hay was quite clear in his own mind about the alternatives: to a critic he wrote: "Do you think the Clayton-Bulwer Treaty preferable to the one now before the Senate? There is no third issue, except dishonour. Elkins and Pettigrew say 'Dishonour be damned.' I hardly think you will."

The Canal Convention had a very rough passage through the Senate. Although the State department acknowledged that the Convention was really a great concession on the part of the British Government to the United States, the majority of the Senate

[1] Hay to Senator C. K. Davis of Minnesota, Feb. 8, 1900 (Thayer, *op. cit.* ii. 224).

hotly attacked the clause which prohibited fortifications on the Canal. "The opposition to the Hay-Pauncefote Treaty has become a national disgrace," was the opinion of the *New York Times*.[1] Yet Senators were calling the Convention "a truckling to England." Pauncefote wrote to Lansdowne (Secretary of State for Foreign Affairs since November, 1900): "The bitter contest which has arisen between the Administration and the Senate over the Nicaraguan Canal Treaty has been a surprise to the outside world and, I believe, to the President and his Cabinet. . . . The language held by certain Senators reveals, I regret to say, a complete disregard of the obligatory force of treaties." [2]

When the amended Convention (with a clause inserted allowing fortification) passed the Senate, Hay resigned. President McKinley, however, refused to accept the resignation. Lord Lansdowne instructed Pauncefote to explain to the United States Government that Her Majesty's Government preferred, instead of the amended Convention, "to retain unmodified the provision of the Clayton-Bulwer Treaty." This instruction was conveyed in a fairly long dispatch (dated February 2, 1901) closely reasoned, cogent, strictly courteous but firm, as is the manner of the Foreign Office. Pauncefote had to read it in entirety to Hay and leave a copy in his hands, which he did on March 11, 1901. The Ambassador and Secretary of State never allowed business to trouble their personal relations. They parted without rancour, and Hay quietly took

[1] *New York Times*, March 12, 1900.

[2] To Lansdowne, December 18, 1900.

up the threads again. By April 25, 1901, he had produced a new draft, which he sent through Pauncefote to the Foreign Office. He also instructed Mr. Choate, United States Ambassador in London to ask Lord Salisbury, the Prime Minister, if another start might be made with the negotiation. Lord Salisbury, rather surprisingly, assented and made no condition except that the new Convention must not make any discrimination in the tolls charged to various nations.[1] The stumbling-block of defence or fortification was not mentioned.

What was the reason for this extraordinary change of attitude on the part of the British Government? It seems to have been simply a reasoned decision on the part of the British Cabinet that the sacrifice of the Clayton-Bulwer Treaty should be made as an act of confirmation of the new and strong concord between Great Britain and the United States in the twentieth century. Lord Lansdowne was engaged in a policy of treaty agreements all round. The British Government had made, through a public speech of Mr. Chamberlain (at Leicester, November 30, 1899), an offer of alliance or entente with Germany. This offer had been spurned by what the Germans call Holstein's "*Grosses Nein*"—the refusal determined by Friederich von Holstein, head of the political department of the German Foreign Office. With Japan the British Government was shortly to conclude an alliance (1902), and two years later it was to make the famous *entente cordiale* with

[1] Pauncefote to Lansdowne, April 25, 1901, *Parl. Papers*, 1902, cxxx. 655.

France. Policies which have been in a fluid condition for years sometimes harden quite suddenly. The British Government, having insisted, under the Clayton-Bulwer Treaty or a convention to be substituted therefor, on its right to guarantee and to invite other Powers to guarantee the neutrality of the Canal and to secure that it should never be fortified, now at the beginning of the year 1902 determined to abandon these claims, "as a signal proof of their friendly disposition and of their desire not to impede the execution of a project declared to be of national importance to the people of the United States." [1] In taking this step the British Government was undoubtedly influenced by a dispatch received a few weeks earlier from Pauncefote in which the Ambassador said: "If I may presume to express my humble opinion, I am disposed to think that notwithstanding the objections which exist in principle to the amendment [the senatorial amendment about fortifying the Canal], it would be wiser to accept it than lose the Treaty by its rejection." [2] The advice was accepted and the United States Government had its way.

In the autumn of this year, 1901, Pauncefote paid a visit to England, and discussed the Canal question at the Foreign Office and with the United States Ambassador. Choate and he had often met before, and were good friends. On September 26, 1901, the United States Ambassador writes from Carlton House Terrace to his daughter: "I have had a long session with Lord Pauncefote and fear I shall

[1] Lansdowne to Pauncefote, Feb. 22, 1901, *Parl. Papers*, 1901, xii. 1051.

[2] Pauncefote to Lansdowne, Dec. 9, 1900.

have a good many more."[1] The conversations were bound to be arduous ; for although the British Government was still ready to make concessions, it would never recognise that the exclusive control of the United States over an interoceanic canal should include the right to charge differential rates to foreign and to United States shipping. On the other hand, Pauncefote seems to have persuaded Lord Salisbury and Lord Lansdowne of the advisability of making every other sort of concession.

Having thus smoothed away the outstanding obstacles Pauncefote returned to Washington before the end of the Fall, and quickly arranged with Hay the last touches of the Canal Convention. On November 18, 1901, the Treaty was signed by Hay and Pauncefote at the State Department. They could both draw a long breath now, for they were both old and ailing, and their work was nearly done.

The Hay-Pauncefote Canal Treaty, as signed on November 18, 1901, and ratified by the Senate on December 16 of the same year, is a brief and precise document. In the preamble the High Contracting Parties took note of their common desire to maintain the " general principle " of neutralisation as established by the Clayton-Bulwer Treaty. Having incorporated this principle in the preamble, the High Contracting Parties thereupon by article 1 wiped out the Clayton-Bulwer Treaty, declaring it to be superseded by the present treaty.

Article 2 recognised that the Government of the United States would construct the canal at its own

[1] E. S. Martin, *The Life of J. H. Choate* (1920), ii. 203.

cost or by investment in stock or shares, and that it should enjoy all the rights incident to such construction.

By article 3 the United States adopted certain rules as embodied in the Suez Canal Convention of October 28, 1888—the convention in the making of which Pauncefote, when Under-Secretary of State, had so greatly shared. The first rule is that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise." The second rule states: "The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." The third rule permits the vessels of war of a belligerent to pass through the canal "with the least possible delay." The fourth rule prohibits the embarking or disembarking of troops or munitions of war by a belligerent. The fifth rule applies these rules to the adjacent waters of the canal within three marine miles from either end of it. The sixth and last rule declares that the plant, establishments, buildings and other works necessary to the construction, maintenance or operation of the canal are part thereof, and that in time of war, as in time of peace, they shall enjoy complete immunity from attack by belligerents.

Article 4 declared that no change of territorial sovereignty or of international relations of the country or countries traversed by the canal shall affect the general principle of neutralisation, or the obligation of the United States and Great Britain under the Treaty. Article 8 contains the customary provision for ratification.

In this treaty, the second Hay-Pauncefote Convention, Great Britain made three large concessions to the views of the United States. One was the abrogation of the Clayton-Bulwer Treaty. The first Hay-Pauncefote Convention of February 5, 1900—the one which the Senate amended so that it became inacceptable and over which Hay sent a letter of resignation to the President—contained no clause for superseding the Clayton-Bulwer Treaty, but merely supplemented it.

Secondly, the treaty made no provision or condition for bringing other States—European states—into the position of guarantors or subscribers of the Canal régime. In the Clayton-Bulwer Treaty and in the first Canal Convention the British Government had been very anxious to secure the adhesion of European and other Powers; for it seemed unreasonable and dangerous that Great Britain should be bound, with the United States, to maintain the neutrality of the canal, while other states should be free to disregard this neutrality. The United States, however, objected to the bringing in of other states; consequently the British Government consented that in article 3 the first clause should read: "The canal shall be free and open to the vessels of commerce and of war of all nations

observing these rules," instead of all nations which "*shall observe*" or "shall adhere" to these rules.

Thirdly, while the treaty specifically recognises the right of the United States to maintain military police along the canal, it simply leaves out any mention of fortification.

The canal was fortified. James Bryce wrote: "The visitor who sees the slopes where these forts and batteries are to be placed, asks who are the enemies whom it is desired to repel. Where is the great naval power that has any motive of national enmity or of self-interest sufficient to induce it to face the risks of a war with a country so populous, so wealthy and so vigorous as the United States." The peace-loving American who gazes at the forts on the cliffs of Gibraltar might put, *pari passu*, the same question.[1]

The Hay-Pauncefote Treaty was, undoubtedly, a very good one for the United States and corresponded to a generous degree with its views and requirements. On the other hand, the Treaty left with Great Britain two things to which the British people naturally attached importance. For one thing, the treaty provided that its régime would go on unimpaired, so far as the obligations of the High Contracting Parties were concerned, in spite of any changes of sovereignty or of international status in the territories traversed by the Canal. In view of the Panamayan revolution and of the erection of a new state which later took place in the Canal zone this provision was important.

The second thing which Great Britain retained in the give-and-take of the Canal Treaty was the

[1] J. F. Rhodes, *The McKinley and Roosevelt Administrations* (1922), p. 263.

freedom of the Canal for all the world, without any discrimination even towards the citizens of the United States itself. In view of the profound consideration which Great Britain showed in almost every line of the treaty for the wishes of the United States, and which the State Department at the time warmly recognised, the effort of Mr. Taft in 1913 to authorise differential tolls in favour of United States shipping was not happy. The intention of the "no discrimination" clause of the Hay-Pauncefote Treaty, clear enough on the face of it, is proved by what Henry Cabot Lodge, a member of the Senate Committee on Foreign Relations, wrote to John Hay on March 28, 1901, while the negotiations over the projected Canal Convention were still in progress: "I think we could ratify a treaty which abrogated and superseded the Treaty of 1850, and which agreed that the United States could maintain and defend the canal, [and] keep it open for the commerce of all nations, at the same rates of toll which were imposed on vessels of the United States. . . ."[1] Mr. Choate, who besides being a diplomatist, was one of the most distinguished lawyers of the age, and who personally knew well both Hay and Pauncefote, said publicly:

> If ever two men deserved the gratitude of their respective nations, and each of the other's nation, those men were John Hay and Lord Pauncefote, perfectly plain, straightforward men who believed that it was their part to say what they meant and to mean what they said, and to express in perfectly clear English what was in their minds. And when they said that the ships of all nations

[1] Thayer, *op. cit.* ii. 260.

should have free and equal passage through the canal without any discrimination whatsoever, they meant just that. They lived and died without ever once suspecting that their words were capable of any other meaning than was borne on the face of them.[1]

[1] Speech before the Pilgrims, February 4, 1913, in E. S. Martin, *Life of J. H. Choate*, ii. 353.

CHAPTER XXVI

PAUNCEFOTE'S WORK

The twentieth century began with the best auspices for a continuance of goodwill between Great Britain and the United States. The position of Pauncefote was unique in the diplomatic relations of the two countries. He was the doyen of the diplomatic corps at Washington. His age, his experience, his appearance, the great reputation of his country, gave him almost unquestioned authority. Tranquil, assured, competent—methodical, industrious, punctual—honest, sincere, sagacious—he seemed to bear with him an atmosphere of peace and understanding which never failed to impress. For twelve years he had held the first place in the Washington diplomatic circle. Though he made no speeches and gave no interviews, he was a public figure, universally known and respected. His genial, unostentatious, manner of living with his family in Connecticut Avenue appealed to the democratic sentiment of the United States; his continuous hospitality, extended equally to British and American citizens, to the permanent residents and to the never-ending stream of visitors to Washington, pleased American society, always appreciative when a stranger reciprocates their friendliness. Pauncefote's position was so com-

manding, his presence so obviously well-received, his capacity as a disentangler of international complexities so assured, that the Foreign Office, by special command of King Edward, kept him at his post long after he had passed the customary age of retirement.

When the Canal Treaty was signed and ratified Pauncefote was seventy-three years old. His health had always been good. Plenty of congenial work, transacted methodically, kept him physically sound. He saw the task which he had set himself prospering; he saw, one by one, the grounds of diplomatic friction being removed as between Great Britain and the United States. In this respect he only had one big disappointment—the failure of the Treaty of General Arbitration which Richard Olney and he signed but which the Senate rejected. His friend George W. Smalley wrote later that from this blow Pauncefote never recovered. "It shattered his most cherished ideals. It shortened his life."[1]

The other complexity which he did not solve—the Alaskan Boundary dispute—was in train to be settled during his last years, and actually was solved through the treaty signed by his former First Secretary and immediate successor, Michael Herbert, in 1903.

In 1902 Pauncefote was troubled with gout and heart attacks. The business of the Chancery continued to be very exacting, but he kept up with it, although his heart was beginning to cause anxiety. Early in May, 1902, he was seriously ill, but two or three weeks in bed rested the heart. He was

[1] G. W. Smalley, *Anglo-American Memories*, Second Series.

looking forward to being able to rise and to sail for a holiday at Aix-les-Bains. Towards the end of the month, however, his condition became worse. He died in his sleep on the morning of May 24, 1902. It was the opinion of his friends that the attack of the German ambassador, Dr. von Holleben, who early in 1902 accused him of an intrigue against the United States, was the shock which brought on the final illness. America had refused to believe in this so-called intrigue, yet to an old man, whose mission in life, consistently pursued, was British-American good relations, the anguish caused by the Holleben incident might be mortal.

His death called forth a great and remarkable tribute among the people of Washington, who felt the loss of a prominent figure and a deeply respected friend. President Roosevelt lowered the flag, half mast, on the White House—an act which was said to be without precedent—and calling personally at the British Embassy added to the official condolences the characteristic remark that he had lost a friend. He sent a letter on behalf of himself and his wife, in his bold large handwriting, like that of a vigorous healthy schoolboy :

WHITE HOUSE, WASHINGTON,
May 29th, 1902.

MY DEAR LADY PAUNCEFOTE,

We have both of us sorrowed with you and yours in your great trial ; I honoured your husband for his great public services, and I loved him for his high worth as a man.

I only wish there was more that we could have done.

With deep regard, faithfully yours,
THEODORE ROOSEVELT.

The letter which the Secretary of State wrote was the tribute of a true friend to the Ambassador's memory :

800 Sixteenth Street,
Lafayette Square,
May 29, 1902.

Dear Lady Pauncefote,

I have received your kind letter, and also one from your daughter.

You must not feel under any obligation to us for the little we were able to do to show our deep sympathy in your sorrow and our profound respect and regard for the memory of your noble and lamented husband. It is we who are under the deepest obligations to him for a succession of generous and friendly acts, running through all the years he has resided here. While at all times the able and faithful representative of England, eager for her interests and jealous of her honor, he was a statesman and diplomatist of so lofty and liberal a spirit that he always saw and appreciated our point of view and in fact knew this country as well as we did. I never hesitated to open my whole heart to him, for he was the soul of honor and of candor. Few men of our time have been his equals in ability, wide knowledge of affairs, and that high courtesy which comes from a kind and liberal heart. I am sure no one—not of his immediate family—can, more than I, feel in his loss a sense of personal and incurable bereavement.

And for my country also I grieve which has lost a friend so appreciative and so magnanimous.

I need not say how great a loss his own King and country have suffered. His career forms a bright page in the diplomatic history of the British Empire.

My wife joins me in affectionate greetings to all your family, and I am always,

Dear Lady Pauncefote,
Faithfully yours,
JOHN HAY.

The President directed Secretary of State Hay to offer a United States battleship to carry Pauncefote's body to England. The offer was accepted by the Foreign Office and the family. St. John's Episcopal Church, where Pauncefote had attended, was chosen for the funeral service. The President was present, the first departure from an etiquette which hitherto had been inflexible. After lying in a vault in Rock Creek Cemetery the remains were conveyed to England in the U.S. battleship *Brooklyn*. Outside Southampton Water the *Brooklyn* was met by a British warship and was escorted into the port of Southampton, where the coffin was landed by British bluejackets. The burial took place privately at Stoke, Notts (the home of the Pauncefotes' son-in-law and daughter), the following day. Admiral Coghlan of the *Brooklyn* presented to Lady Pauncefote the American flag which had covered the coffin on its journey home, and this flag hangs in Stoke Church to-day. The memorial service in London, which Admiral Coghlan attended, was held (on the same day as the funeral) in the Chapel Royal, which was filled to its greatest capacity.

The references made in the United States at the time of the Ambassador's death showed respect equally for his personal charm and statesmanship. President Roosevelt testified publicly and with dignity his regard for the British Ambassador. Privately, he bluntly gave his verdict in conversation at the White House. About a week after Pauncefote's death, the Secretary of State, John Hay, and Mr. Raikes of the British Embassy, were announced by Major Laeffler who guarded the President's door.

Roosevelt understood at once that the Secretary of State was bringing an official from the Embassy who was to thank the President for having the United States flag flown half-mast on the White House. Turning to the friend who was in the room the President remarked, before Hay and Raikes entered: "I didn't do it because he was British Ambassador, but because he was a damn good fellow." [1]

As Minister and Ambassador Pauncefote acted powerfully in three ways—as an international lawyer, as a negotiator of treaties, and as an improver of international relations.

All diplomatists necessarily know something of international law; in the British service some degree of scientific knowledge of it is exacted from those who aim at rising in the profession. But the many other requirements of the profession preclude the members, as a rule, from being trained, technical international lawyers, nor indeed would it be advisable that they should be. The legal mind and the diplomatic are not the same; they have each their special aptitudes and methods, useful in their own sphere but not always suitable for transference to another sphere. Pauncefote, however, did combine a scientific knowledge of international law and deep interest in it, with the elasticity of mind, the knowledge of men and things, the unargumentative persuasiveness, and the capacity to give up points, which are essential to the diplomatist. His work in international law stands in the Suez Canal Convention, in the Hague Arbitration Tribunal, in the

[1] H. H. Kohlsaat, *From McKinley to Harding* (1923), p. 75.

Pauncefote-Olney Arbitration Treaty (although unratified), and in the careful drafting of all the agreements which he negotiated, drafting which has stood the test of time. That one man should have been dynamically concerned in creating the freedom of two interoceanic waterways, and in building up the system of an international tribunal is in itself a magnificent record.

On the purely diplomatic side of Lord Pauncefote's work the record of treaties made is equally impressive. Treaties are not the whole work, not even the chief work, of a diplomatist. There are statesmen who have made no statutes, generals who have fought no battles, whose steady and laborious achievement deserves well of their country. The greater part of a diplomatist's work is not registered in public acts. Yet as human relations are manifold and complexities exist, and fresh complexities occur, the need for those specific adjustments which are called treaties or conventions, those written laws of nations, is bound never to pass away. Pauncefote lived in the United States at a time when an unusually large number of treaty-adjustments were called for, a period of liquidation of old controversies and of prevention of possible future troubles. The chief agreements which he negotiated with the State Department were :

The Extradition Convention, 12th July, 1889; the Behring Sea Arbitration, 29th February, 1892; the Recovery of Deserters from Merchant Vessels, 3rd June, 1892; the Settlement of Behring Sea claims for seizure of British Vessels, 8th February, 1896; the General Treaty of Arbitration (un-

ratified by the Senate); the Arbitration Treaty between Great Britain and Venezuela, 2nd February, 1897; the Disposal of Real and Personal Estate of Aliens, 2nd March, 1899; the Settlement of British, United States and German Claims in Samoa, 2nd December, 1899; the Supplemental Extradition Treaty, 13th December, 1900; the Isthmian Canal Treaty, 18th November, 1901. In putting the principles of international law into practice, and in making treaties Lord Pauncefote left his mark on the affairs of the world and influenced them for good.

The third aspect of his achievements may be called those of diplomatic and social contact. The good diplomatist is making adjustments in things, sometimes big things, most frequently quite little, every day of his working life. All the myriad matters, however trifling, of public and private international law, if allowed to accumulate unsolved or badly solved, would block the intercourse of nations, and produce the asperities which unloose passions and make for war. The Chancery work at Connecticut Avenue was transacted smoothly and effectively, and an able school of rising diplomatists was trained under genial but exacting leadership. But in addition to Chancery work there is another serious side to the diplomatist's business—his contact with statesmen, politicians, civil servants, members of society and the general public. In this direction personality is effectively tested, and a diplomatist has the chance of becoming a potent influence for good, or a source of irritation, or an innocuous but colourless figure. Pauncefote was

neither colourless nor intriguing; he was not fussy nor yet was he inactive; from the first he became a familiar personality in Washington and impressed the State Department with the belief, so hard to obtain in the diplomatic milieu, that his country's aims were honourable and that his representations could be implicitly trusted. Being a kindly, generous man he used to say that his success at Washington was due to two of his secretaries, Michael Herbert (Second Secretary, 1889-1892, and Secretary of Legation, 1893), and Cecil Spring-Rice (Second Secretary, 1894-95). At other times he was inclined to lay the credit on his wife and daughters (especially his eldest daughter Maud) whose hospitality at Connecticut Avenue was always appreciated. The family and friends of a man are, in a sense, part of his personality: and if they are good the credit is his as well as theirs.

With the four Presidents and the seven Secretaries of State, who guided policy at Washington in Pauncefote's time, his relations, even at the height of the Venezuela controversy, were always personally easy. It was said of him that although "he never gave way, he never gave offence." He did indeed give way when instructed to do so; but while there was any chance of maintaining the position which he thought the right one there was no firmer defender than Lord Pauncefote, yet he would never allow any contests, disputes, or irritations to influence his social conduct. In the morning the Ambassador and Secretary of State would have a conversation, perhaps almost a dispute (in so far as the word "dispute" can be

used in connection with Pauncefote's urbane explanations); in the evening they would meet at one of those large "family" dinners which were the feature of the Embassy hospitality.

In purely diplomatic visits, when anything important was at hand, his method was to go straight to the core of the affair, explain his Government's point of view, and with patience and genuine interest to listen to everything brought forward by the other side. He was able, without giving the slightest impression that he was yielding, to offer co-operation with the opposite party in order to find a way out of the difficulty; and if at the end of a long discussion agreement was still impossible, he would depart quite unruffled, to reappear perhaps next day, perhaps not for six weeks, and quietly take up the threads of the argument again. Ministers and members of Congress and all the public men of Washington quickly realised that whatever question was at issue there was no personal rancour and no personal ambition involved; he would never strain the truth in order to gain a point; he would take no advantage of clever formal arguments or of verbal "scores"; what he said could be trusted; his characteristic, it was said, was "robust integrity."

At the State Department, throughout the whole thirteen years, everyone liked to see the British Ambassador. He was genial; he was straightforward; he said neither more nor less than he meant; he was never excited, never in a hurry. They felt at the State Department that he was "an Ambassador with whom you could do business."

"He missed no point and wasted no time." He had won their confidence from the first and he never lost it. When that upright, manly figure was seen crossing Lafayette Square the officials at the State Department knew that something of moment had arisen, but they knew also that they would not be long kept guessing what it was.

Pauncefote took public affairs seriously. In February, 1900, his third daughter, Lilian, was married in Washington to Sir Robert Bromley, Baronet of Stoke, Notts (a diplomatist and administrator of high promise who died of fever in the West Indies at the age of thirty-two). At the time of the marriage the Boer War was in progress, and the British forces were sustaining severe checks. Pauncefote cancelled all the festivities which were to have taken place at the time of the marriage; he would not countenance them or any big entertainments when his country was in gloom and depression. He was perturbed at the change which he discerned in German foreign policy and perhaps in national character in the last years of the nineteenth century. He pinned his faith to international arbitration, and took peace to be the only object of his life. A close study of arbitration and of its possibilities for removing causes of war was one of the chief interests of his last years. With domestic politics, whether in Great Britain or the United States, he had nothing to do, and he expressed no opinion on them.

Although he and his family came home nearly every year from Washington to London, and had friends there—J. H. Choate, Lady Curzon and many

others, old and new, American and European—yet Washington was his real home after 1889, and it was there that his circle was. "No one," wrote his friend Smalley, "was better known in the streets, in official circles, in social life. Englishman as Lord Pauncefote was, hardly any American of recent days in Washington has been more liked by Americans." He was pleased with life in Washington, and showed it ingenuously. He made no appeal to sentiments of kinship—he was just an Englishman in the United States serving England and interested in the goodwill of the two countries.

Everybody would like his or her life to be a harmonious whole. Pauncefote at the end of his career could look back on forty years of continuous public service. During this time he had been engaged in arduous, important and delicate affairs, and on their successful conduct depended the smooth working of international relations and, in a great measure, the peace of the world. Whether in the daily business of the Foreign Office and Embassy, or in the more dynamic events of convention and treaty-making, he has a record of fruitful achievement attained with the minimum of friction, with the maximum of consent, and therefore with all the marks of permanence.

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